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SOVIET CRACKDOWN IN THE BALTIC STATES

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SOVIET CRACKDOWN IN THE BALTIC STATES

TUESDAY, JANUARY 22, 1991.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Washington, DC.

The Commission met in room 366 of the Dirksen Senate Office Building, Washington, DC, at 10 a.m., Steny H. Hoyer, Chairman, presiding.

Members present: Steny H. Hoyer (D–MD), Chairman; Dennis DeConcini (D–AZ), Co-Chairman; Bill Richardson (D–NM); Don Ritter (R–PA); John Heinz (R–PA); and Malcolm Wallop (R–WY);

Also present: Patsy Mink, (D–HI); Craig Thomas, (R–WY); and Don Riegle, (D–MI).

Chairman HOYER. I would like to open this hearing of the Commission on Security and Cooperation in Europe on the present situation in Lithuania and Latvia, as well as Estonia tangentially.

I want to also announce that the Commission will be holding hearings on the Soviet Union early next month.

It is my own view that, notwithstanding the critical nature of international events that are occurring in the Middle East, that the perhaps much more consequential acts are now ongoing in the Soviet Union, as there is a contention within that nation between those who would see the furtherance of democracy and Glasnost and a further opening up in the Soviet Union, and those who wish to go back in time.

We are pleased to have here two high-level representatives who will be testifying. I'd like to welcome our guests from the Republics of Latvia and Lithuania: Mr. Ivans, who is Vice President of the Latvian Supreme Council, its parliament; and Mr. Kuzmickas, Vice President of the Lithuanian Supreme Council.

Also with us is William Hough—is it Hough or Hough?

Mr. HOUGH. Hough.

Chairman HOYER. Mr. Hough is counsel to the United Baltic Appeal. They help me out with the non-American names, and then I stumble over the American names. There's no telling.

World attention during the past week has been focused, understandably, on the Persian Gulf and the allied campaign to liberate Kuwait. The Persian Gulf, however, is not the only place where momentous and tragic events have been unfolding.

Over the course of the past two weeks, we have witnessed a brutal setback to the course of the development of freedom and democracy in the Baltic states and the Soviet Union.

In an attempt to quash the movement to independence in Lithuania, the central Soviet government has sent troops and tanks into

that country, occupied government buildings, shut down print and electronic media, and, finally and tragically, killed and injured innocent citizens.

Mindful of the way a similar movement to democracy and freedom was brutally suppressed in Hungary when world attention was diverted by a crisis in the Suez, the members of the Commission on Security and Cooperation in Europe and the Congress are determined that that must not happen again.

To this end, we held a hearing of this Commission last Thursday and heard testimony from Assistant Secretary of State for European and Canadian Affairs, Raymond Seitz, and we have encouraged American representatives at C.S.C.E. fora in Vienna and Valletta to raise the issue and express outrage at the course of events in the Baltics.

Members of this Commission have called for a number of measures, including recognition of the Baltic republics, reassessing the February summit, and revoking a whole series of trade and economic benefits granted the Soviet Union recently. And, finally, it is to this end that we have convened today so that we might hear the opinions of our guests concerning the situation in the Baltic states and the Soviet Union today.

We are very interested in hearing their recommendations as to what would be the most effective course of action for the Government of the United States to take to help all three Baltic republics in the attempt to fully realize their aspirations for complete independence.

On May 3 last year, then Prime Minister of Lithuania, Ms. Prunskiene, stated before this Commission that "pressuring the Soviet Union on the Lithuanian question helps, rather than hinders, Mr. Gorbachev to be a consistent practitioner of democracy, to overcome the reactionary forces which oppose not only independence for the Baltic states, but also political and economic reforms in general."

The last few weeks have seen the resignation of one of the major architects to reform in the Soviet Union; the use of brutal force in both Lithuania and Latvia; a call by President Gorbachev for suspension of the liberal press laws; and the complete rollback of Glasnost on central television, where accuracy in reporting events in the Baltic states appears to now be impossible.

It should be noted, however, that protest about what is happening in Lithuania is not just occurring outside the Soviet Union. Statements of condemnation are being issued, not only from liberal newspapers and those electronic media which are not tightly controlled by the center, but also from the leadership of the reform-minded republican governments. The Commission is joining in that chorus of condemnation today.

Again, the Commission is honored to have as its witnesses the Vice Presidents of two of the Baltic republics: Mr. Ivans from the Latvian Supreme Council, and Mr. Kuzmickas of the Lithuanian Supreme Council. In addition, the Commission welcomes William Hough from, as I said before, the United Baltic Appeal.

What I would like most to hear from today's guests is their assessment of the current state of affairs in the Baltic states and in the Soviet Union and their concrete suggestions as to what the

United States and the world community might do in order to support those elements within the Soviet Union which are for reform and for ensuring the achievement of the legitimate goals of the Baltic states.

At this time I would like to yield to the Co-Chairman of the Commission, Senator Dennis DeConcini.

Co-Chairman DECONCINI. Thank you, Mr. Chairman.

Ladies and gentlemen, distinguished guests, and fellow Commissioners, it is with pleasure, of course, to welcome our witnesses, but, at the same time, we feel a great deal of sadness with current events. It is regretable that we have to have these hearings today based on the crisis that I see and that we all see happening in the Baltic states.

These are hearings that we wish we did not have to hold. The Helsinki Commission—and I believe I can speak for its members in this case—are truly outraged at the savagery that has taken place in Lithuania, Latvia, and probably Estonia, maybe even right at this moment. The past two weeks have been a disaster. We also realize the danger that the people in this whole area must be living under on a day-to-day basis.

The United States government, the Congress, and the American people feel betrayed. We had seen significant changes taking place throughout the Soviet Union and hoped and prayed that they were based on a sincere desire to create, as Mr. Gorbachev said, a civil society based upon the rule of law, not based on the rule of power.

But civil society and rule of law seem to have been crushed under the treads of Soviet tanks and the cruelty and brutality that have taken place most recently.

The Helsinki Commission is holding this hearing today because we feel it is critical to reiterate our strong support of the Baltic states in their efforts to regain their independence, which even the Soviet Supreme Soviet has acknowledged.

It is critical that the United States government let Mr. Gorbachev know that our relations will not proceed on a business as usual course, at least as far as this Congress is concerned, if things don't change.

I was very disturbed to read that as Mr. Gorbachev was arrogantly announcing this weekend that he will travel to Oslo in May to deliver the traditional message of peace at the Nobel Prize ceremony, and that the administration is not only proceeding with the summit, but with the START negotiations as well.

I think we must send a clear message and cease some of these activities with Mr. Gorbachev and the Soviet Union so that nobody doubts where this government stands as it relates to this brutality and as it relates to the independence of these three Baltic states.

The Helsinki process is predicated on the belief that arms control treaties are meaningless if they are not driven by a commitment to human rights. At a time when Gorbachev is violating these commitments and playing games with the troops under his control, the conventional force treaties are being discussed.

I, for one, do not understand how the administration can proceed as though nothing had changed. It is not enough to call on Gorbachev to resist the use of force. President Bush should be calling

loudly for the withdrawal of Soviet troops and the independence of these three states.

Our witnesses today are two gentlemen who have helped lead the fight for freedom in their countries. We are most anxious to hear their views about the situation.

We hope that the American public will rally behind these free-spirited, independent people whom we, as a nation, acknowledge and we, as a nation, must stand with.

Thank you, Mr. Chairman.

Chairman HOYER. Thank you, Mr. Chairman.

Senator Wallop?

Senator WALLOP. Thank you, Mr. Chairman.

And let me add my voice to those of the others to welcome you here, and let me also express the sadness at this cause of the occasion of your visit to us.

I think it's important to note that over the weekend, more than 100,000 people in Moscow demonstrated on behalf of and in support of the freedom and independence of these Baltic states.

Somehow or another, I think we in the West tend to lose sight of the fact that it is the Soviet government that is the force of the imposition of these hateful actions and not the people of the Republic of Russia, for example.

The question continues to arise in the Soviet Union as to whether the army serves the state or the state serves the army. You have, on the one hand, Colonel Alksnis, who says "Yes," Gorbachev has given his imprimatur to all of these things, while Interior Minister Pugo says "No, not at all. These are just happening."

And then, of course, the official Soviet press position is that, somehow or another, these were all actions that were initiated by the people of Latvia and Lithuania because of their irresponsible defense of their government buildings or instruments of press.

The fact of it remains that with at least 15 people killed by the army in Lithuania on January 13th and 5 more dead after interior minister troops cracked down in Latvia on Sunday night, we in the West continue to hope that somehow Gorbachev will say he is sorry, that he will proceed to rein in the army, and exhibit the behavior of a Nobel Peace Prize winner. These, in my judgment, are vain hopes.

Whether or not Alksnis is right and Gorbachev has authorized him or Pugo is right and he has not, the agents of agencies of a government are the responsibility of that government and must be stopped by that government or otherwise acknowledged.

The sad fact remains that the Soviet government continues to possess the most appalling capacity for evil, for lying, for cruelty, for distortion and betrayal of their solemn commitments to blame anybody but themselves for the actions of their people.

The sadder fact remains that the only thing that we in the West don't believe when they tell it to us is the truth. Our myopic tendency to find the fulfillment of our dreams and the wishes of the day drive us to ignore reality.

Gorbachev has signaled his intention to use brute force to subdue the Baltics and other republics in plain speech after plain speech. He has demonstrated the cynically cruel ability to act on these intentions.

The people in Baku, Azerbaijan, the people in Tbilisi know of the acts of government-sponsored brutality even though they were ignored by the administration and the world.

More recent acts have gained the attention of Europe and the United States, but still not with the kind of passion that these acts deserve in the arenas of democracy, where, on the face of it, support of the rights of your governments to independence and freedom of choice exists.

I hope, somehow or another, that those in the administration and those in the editorial writers of the press in this country will at least admit that their dream is shattered after the events of January in Lithuania and Latvia.

My question is: Have we no shame as a nation that we can continue to ignore the behavior of Gorbachev, indeed his belligerent defense of the brutal crackdown in the freedom-minded Baltics? His behavior is not new and cannot be hidden. The protestors in Moscow waved signs that read "Budapest '56, Prague '68, Vilnius '91, Moscow '92."

Soviet behavior cannot be ignored unless we choose to ignore it. And the question is: Will we? I sincerely hope that your presence here today will aid America in committing firmly in the side of the democratically elected governments of the Baltics and of Russia itself.

Gorbachev is no longer to be trusted, but I need not tell you that.

I'm sure that every Latvian, Lithuanian, and Estonian would agree that perestroika was not meant to democratize the Baltics. The separate authority in Moscow, the incorporation of the Baltics, made for a cozy state of affairs—cheap electricity, wood products, and food for the Soviet Union.

The process in motion today has moved way beyond what Gorbachev intended and at a much more rapid pace. But what we know is more important than what we wish. To ignore reality is to abandon responsibility, and with no reasonable excuse to justify it. We wish you well.

Thank you, Mr. Chairman.

Chairman HOYER. Thank you, Mr. Chairman.

Congressman Ritter?

Mr. RITTER. Thank you, Mr. Chairman, and I want to thank you and the Co-Chairman for holding these hearings at this critical time. We are engaged in the Persian Gulf, but to ignore these events inside the Soviet Union would be to make a great historical miscalculation.

Indeed, what is happening today in the Soviet Union is so critical to the future of world peace. If we have resurgent Stalinism, as characterized by the gradual coup d'etat that seems to be taking place there, starting with the Baltics, there is no new world order, there is no world peace.

However successful we are in Iraq, a Soviet Union armed to the teeth with ICBMs targeted accurately at American cities with these kinds of leaders in charge will create great havoc. And "peace dividends" and "new world orders" will be cliches of the past. So it's absolutely essential that we in Congress and our administration focus on what is happening today in the Baltic.

And I would like to welcome, heartily welcome, our Vice Presidents from Latvia, Mr. Ivans, and Mr. Kuzmickas from Lithuania to the United States. I firmly and honestly and sincerely believe that the way out of this mess is for the United States Congress and for the administration to strengthen ties with the leadership in the republics.

These are dark times for the Baltic people and for those of us who have supported your cause over the years for self-determination and have pressed for your participation in the C.S.C.E. process as well.

Just a little over two months ago at the Paris C.S.C.E. summit, members of this Commission, myself included, helped codify the end of the Cold War. And many even declared it dead, but now it is tragically clear that the only thing that is really dead is Lithuanian and Latvian patriots.

Let's take a look for a second at what I have here. These are symbols. These hats, this black beret, and this winter hat are symbols of the Soviet forces that are now squeezing the Lithuanian and Latvian people under tank treads and jack boots.

These are symbols of a resurgent Stalinism. They are the hats and the uniforms. This is the vadushnia desnopnia voiska, the airborne troops that are cracking down.

These are real symbols. They are as real as the blood that has been spilled in Latvia and in Lithuania recently. And they are not just pieces of clothing.

These notorious elements, these so-called Black Berets, well, who are they? First of all, they may have some elements of Afghan combat veterans, paratroopers, but they are internal security troops with their own tanks, with their own armored columns.

They are what they call the MVD. And they are thugs, in any event, in many cases, willing to shoot, to kill their own people. They are a praetorian guard of resurgent Stalinism.

And they are charged by Moscow with crushing the political aspirations of the Baltic peoples. They are responsible to one Boris Pugo, the interior minister appointed by Mikhail Gorbachev.

His chief deputy is General Gromov. You'll remember him. He was the last man on the bridge waving "Good-bye" to Afghanistan. I might add that there are still $3.5 billion worth of very important supplies, including food that a starving Soviet Union doesn't have, that are still going into Afghanistan. Many of these folks are not dead yet, and the previous notices of their demise were premature.

It's implausible, highly implausible that Mikhail Gorbachev did not know that these troops were going to do what they did, that force was going to be used.

This is, by the way, the Felix Dzerzhinsky special operations Black Berets Division of the MVD, and they came right out of Moscow. And, by the way, Felix Dzerzhinsky is that wonderful gentleman who founded the modern KGB, building on the former czarist secret police.

Gorbachev had to be notified that these troops moved from Moscow to Lithuania. Perhaps he didn't know the precise timing of their actions, but if you had any doubts of whether Gorbachev knew or didn't know or when he knew and when he didn't know,

they must have disappeared after the second time that this situation reared its ugly head.

In other words, 14 Lithuanians were brutally killed. And President Bush sent a very strong message over there, and we in Congress did as well. And this crackdown then occurred in Latvia in a similar fashion.

You know, if Gorbachev didn't know, perhaps he's not in power anymore. And perhaps he's not a key player anymore, which argues, once again, for the United States before it is too late to establish critical links into governmental links with the leadership in the republics.

We cannot sit idly by and let this last thrashing of an ancient dinosaur against the wave of history, this last thrashing, be, in any way, shape, or form, successful.

Some of the really hard-liners have now said that Gorbachev was torn and that somehow Gorbachev has now betrayed the hard-liners. It may be that Gorbachev is not a factor any longer.

One of the possibilities—and I say this with great serious, having been active in this Helsinki Commission for more than a decade. One of the real possibilities that this government should consider is recognition.

Again, before it is too late, we have got to do something to get on the side of the hundreds of millions of people in that part of the world who do seek democracy, including the Soviet Union.

That demonstration that Senator Wallop talked about had upwards of 300,000 people, and this is in Russia. The working people want democratization to go forward.

The Baltic issue is not just an internal issue. It is absolutely the tip of an iceberg that goes deep into the waters of feeble new world order and global peace and security.

And we need to do everything we can as Americans to call off the secret police, to call off the Soviet military, to get cracking and do what we can to save this very important element to world peace and freedom.

Thank you.

Chairman HOYER. Thank you, Congressman.

Senator Heinz?

Senator HEINZ. Mr. Chairman, I want to join you and Co-Chairman DeConcini in welcoming our witnesses today. And the situation has been characterized by you and others as tragic, as outrageous.

And, indeed, it is because it is a betrayal of every principle of human rights that not only does the West stand for and the members of this Commission and the Helsinki process make every effort to uphold, but it is, of course, a stunning reversal of every principle, both in letter and in spirit, of perestroika and Glasnost.

And it also reminds us of the dangers of depending on one person, in this case Mr. Gorbachev, as an emissary upon whom one can depend to totally change the course of history once and for all in a state with a very long repressive history into a path of freedom and democracy and Western respect for human rights, which means that, although we are all shocked and stunned and outraged, we should not necessarily be surprised.

Last week Assistant Secretary of State Seitz came before the Commission and testified to the correct position of the United States, which is that Latvia, Lithuania, the Baltics, we consider independent, period.

That is the way it has been. That is the way it is. That is the way it will be, notwithstanding their illegal occupation by the Soviet Union during the course of the hostilities that led to World War II. And so that shall remain because we believe that the Baltics, indeed, are legal, sovereign, and independent states.

There are a number of courses of action open to the United States to respond to these unprecedented, unprovoked acts of aggression in the Baltics, which have led to the loss of life in Latvia and Lithuania.

And those include everything from the cancellation of economic assistance to the cancellation of the February 11th summit to an effort to reimpose on the Soviet Union the kind of technological and financial isolation that was in place up until just a few months ago through the Coordinating Committee, COCOM, which has denied the Soviet Union access to Western technology, and through the both bilateral and multilateral financial institutions here at home—the best known is the Export-Import Bank, which provides export financing—to embargoing into trading in the West or the United States goods or services produced or provided by Soviet state-owned enterprises.

I make that distinction because one could argue, I think with some justification, that the enterprises of the independent republics, or the republics, might want to be something that you encourage.

I will be interested, Mr. Chairman, in the views of our panel on what specific responses, not just rhetorical responses, that we should make. And I, myself, plan to introduce later today a resolution that will put the Senate on record—and I hope my colleagues will join me and I hope, if the House is so inclined, that Steny Hoyer will do likewise—to cease the processing and cease any action on applications at the Export-Import Bank, which opened its window and began processing applications for export to the Soviet Union on December 29, 1990.

I intend to introduce that resolution today, and I do so because it seems to me that it is, first, a direct form of economic assistance to the Soviet Union for us to begin to finance these exports; secondly, given the immoral course of action taken by the Soviet Union in Latvia and Lithuania, it would be immoral for us not to do so.

Mr. Chairman, my concluding question is: what did Mr. Gorbachev know and when did he know it?

Anybody who believes that Moscow didn't know or that the Moscow authorities didn't know or that Mr. Gorbachev didn't know is a hopeless optimist.

And it is my view that Mr. Gorbachev is in the position of the piano player in the living room of the house of ill repute, who, having played the piano there for 10 years, still was able to claim he had no idea what was going on upstairs.

If Moscow or Gorbachev thinks that the involvement of the U.S. and its allies in the Persian Gulf will in any way distract us from our proper and appropriate and strong attention to what is going

on in Latvia, Lithuania, and the Baltics generally, he is dead wrong and totally mistaken.

Thank you, Mr. Chairman.

Chairman HOYER. Thank you, Senator.

Lastly I will ask Mr. Richardson of New Mexico, a member of the Commission, if he has an opening statement.

Mr. RICHARDSON. Mr. Chairman, thank you. Before this last weekend, I was one of those that would consider myself a hopeless optimist. My sincere hope was that events prior to this last weekend were a case where Mr. Gorbachev did not know or perhaps was not aware of what his military was doing. Now, after this weekend, Mr. Chairman, I'm not so sure.

The systematic degradation of human rights in Latvia and Lithuania should make us seriously pause in terms of U.S. policy toward the Soviet Union.

I suspect the three options about Mr. Gorbachev are clear: one, that he didn't know. Obviously, that is now less of a possibility. Is he a powerless puppet? Possibly. Lastly, and perhaps the most unfortunate, is this his policy?

And, as we look at what kind of response the American government should pursue, economic sanctions, cancellation of the summit, cancellation of economic assistance, I think we are faced with very serious issues.

Last December I was in Israel, where I thought of the good work of this Commission and perestroika, 2,000 Soviet Jews coming into Israel every a day. That was because of Gorbachev. That was because of perestroika.

Now, this bad dream, Mr. Chairman, is about to achieve reality. And, like anybody else, I regret it. I welcome our distinguished visitors. I'm delighted to be here.

Thank you, Mr. Chairman.

Chairman HOYER. Thank you, Mr. Richardson.

I thank our witnesses for their patience while members of the Commission express what they obviously feel very strongly about. The situation that confronts us is a very serious one.

At this time I would like to introduce both of our first two guests, both vice presidents of their respective Supreme Councils: first of all, Mr. Kuzmickas.

Briefly let me give his biography. He was elected to the Lithuanian Supreme Council's Presidium as Vice President for Science, Culture and Foreign Affairs in March of 1990.

He is the Chairman of the History of Lithuanian Philosophy Department at the Lithuanian Academy of Sciences' Institute of Philosophy, Sociology and Law.

He was a leader of the Lithuanian reform movement, a member of that group's elected council. In 1989 he was a guest scholar at the Oblate College in Washington, D.C., where he participated in a seminar entitled "The Place of the Person in Social Life."

Joining him is Mr. Ivans, who is Vice President of the Supreme Council of the Republic of Latvia. He was elected in May of 1990. He served as President of the Popular Front of Latvia and was elected in March 1989 as a delegate to the Union of Soviet Socialist Republics' Congress of People's Deputies.

A journalist by profession, Mr. Ivans gained widespread popularity in Latvia when he initiated and led to victory a grassroots environmental campaign to halt construction of a dam. He has worked previously as a teacher, at Latvian Television, and on the editorial staff of the magazine "School and Family."

We welcome both of these very distinguished elected leaders of their countries and look forward to their testimony. I would first like to recognize Mr. Kuzmickas.

TESTIMONY OF BRONIUS KUZMICKAS, VICE PRESIDENT FOR SCIENCE, CULTURE AND FOREIGN AFFAIRS, PRESIDIUM, LITHUANIAN SUPREME COUNCIL

Mr. KUZMICKAS. Distinguished members of the Commission on Security and Cooperation in Europe: I would like to begin by expressing my appreciation for the opportunity to address you during this very difficult time for Lithuania.

The movement of democratic rebirth that began in Lithuania two and one-half years ago has been a peaceful one. It avoided ethnic conflict and human casualties.

The democratically elected Parliament of Lithuania and the executive government, whose formation it ratified, along with the vast majority of Lithuania's inhabitants, are firmly committed to restoring independence and democracy by following the path of peaceful reforms and patient negotiations.

However, nine days ago on the streets of Lithuania's capital, Vilnius, blood was shed, innocent people were killed or injured. Special forces of the Soviet military deployed in the Baltic states began to hunt down young men who had declined to serve in the Soviet army.

These forces employed military might to seize civilian buildings. On January 13 Soviet military units in Vilnius used tanks to storm the television tower and the building housing Lithuanian television and radio. At least 14 people were killed. More than 370 have been injured since the Soviet army began its campaign of violence.

It is well-known that the reactionary communist forces in Lithuania, as well as those in Moscow, are looking for ways to overthrow Lithuania's democratically elected parliament and to halt the democratic process in Lithuania.

However, it is likewise evident that there are no legal means to subvert the parliament and to annul its legislation. Thus, we expect that coercion will continue to be used against the Republic of Lithuania and its parliament.

We had expected this coercion to come through an increase in artificially created economic hardships, incitement of ethnic conflicts, and other measures aimed at destabilizing the internal situation.

Few people believed in the likelihood that armed force would be the form of coercion used against us. And, yet, that is precisely what was done.

The majority of people in Lithuania and elsewhere do not find an answer to such questions as: Why did this happen? Who gave the order to fire on unarmed people?

It was surprising and saddening to hear Mikhail Gorbachev himself justify the use of armed force in Lithuania against civilians and civilian objects.

Another troubling fact is the failure by the Soviets to make any efforts to establish a commission to investigate the crimes committed January 13 in Vilnius and to determine the perpetrators of these crimes.

The absence of such a commission leads Soviet army units to conclude that they can escape any kind of punishment, which may encourage them to continue committing acts of violence anywhere and at any time. Such violence can destabilize the situation not just in Lithuania, but in the Soviet Union as well.

One must consider it a bad sign that, instead of a rational resolution of economic, legal, and national problems, the Kremlin ever more persistently recommends the introduction of diktat, otherwise known as presidential rule.

The introduction of such rule in Lithuania, and also in Latvia and Estonia, would have very negative consequences not only for the Baltic states, but for Russia as well.

It would mean the forcible reimposition of diktat by the center and of other Soviet structures which have already collapsed and which are impossible to revive. It would bring a halt to all reforms, without which it is impossible to lead the country out of its decline.

What would the Kremlin do with the democratically elected Lithuanian Parliament if it refused to obey an illegal order to disband itself? Perhaps a directive would be issued to launch a tank assault on the parliament?

A government introduced by force would have no support in society and could survive only if it was propped up by the military. Moreover, if that coercion crossed a certain line, it could provoke a spontaneous and uncontrollable resistance.

That would be even more likely under the present circumstances, in which, with Soviet paratroopers controlling Lithuania's radio and television building as well as its press center, most Lithuanian citizens cannot hear the authoritative voice of their legitimate leaders.

Further use of military force in Lithuania would provoke protests among Russia's democratic forces, thereby widening the split within Russian society and increasing the danger of civil war and anarchy.

The blow directed against Lithuania is also a blow directed against the entire democratic movement in the Soviet Union. Though Lithuania is a small country, its fate can have a decisive influence on the future of Russia and the entire world.

The events in Vilnius of January 13 represent a sharp escalation of Soviet pressure on the Baltic states. The reaction by Western countries should correspond to this escalation. It should be much stronger than before and not limited to mere words.

Previously it was believed that a positive solution to the question of Baltic independence could be found through bilateral negotiations between each of the Baltic states on the one side and the U.S.S.R. on the other side.

Now, after the events of January 13th in Vilnius, there is no doubt that restoration of independence to Lithuania, Latvia and

Estonia is possible only with the unequivocal support of Western countries. Whenever American attention to the Baltic states slackens, the Kremlin delivers another blow against them.

On behalf of the Supreme Council and Government of the Republic of Lithuania, I appeal to the United States Congress to provide the following assistance immediately: that Congress at once send to Lithuania a delegation to observe the situation; that Congress demand the immediate withdrawal of all additional Soviet forces introduced into Lithuania over the last few weeks and assurances that no new military units will be sent there; that Congress call on the Soviets to return all buildings belonging to the Republic of Lithuania which were seized by the Soviet Army; that Congress demand that the practice of abducting Lithuanian inhabitants and forcing them to serve in the Soviet army be halted; that Congress condemn the campaign of lies and psychological warfare being waged by the Soviet Union against the Republic of Lithuania; that Congress exert its influence on Mikhail Gorbachev not to introduce dictatorial, or so-called presidential, rule in Lithuania.

If the U.S.S.R. takes these actions, then it will be possible for the Republic of Lithuania and the Soviet Union to return to the negotiating table, but only with the participation of international observers or on the international level.

I also request the following: that the United States provide political support to Lithuania by extending official recognition to its democratically elected government; that political support also be provided by convening an international conference on the Baltic states and placing the Baltic issue on the agenda of the United Nations, and that other ways be sought to raise on the international level the question of restoring Lithuania's independence; that the Soviet leadership be given a clear signal that the use of military force against Lithuania will have very serious consequences to United States-Soviet relations, and that this warning be accompanied by specific sanctions; that the United States ensure that American humanitarian aid and credits designated for the Soviet Union and the Baltic states be sent directly to republics and cities and not be channeled through the central Soviet government, which will use such assistance as a weapon against the republics and other democratic forces.

I hope that, unlike the previous session of Congress, this one will not reject the proposed legislation to provide humanitarian aid to Lithuania.

Once again, I thank you for this opportunity to explain to you and to the American people the grave situation in my country. I will be glad to answer any questions you may have. Thank you very much.

Chairman HOYER. Thank you very much, Mr. Vice President. We appreciate that.

And now Vice President Ivans of Latvia.

TESTIMONY OF DAINIS IVANS, VICE PRESIDENT, SUPREME COUNCIL OF THE REPUBLIC OF LATVIA

Mr. IVANS. Thank you, Mr. Chairman.

Ladies and gentlemen, I have been authorized by the Supreme Council of the Republic of Latvia to represent Latvia in Western nations and parliaments. Unfortunately, the situation in the world today is not very beneficial to my mission.

The attention of the people and politicians of the United States has been focused mostly on the war with Iraq. The events in the Baltic states may not, in this context, seem that important. Nevertheless, both of these regional conflicts are closely related.

First of all, there is an historical analogy. Just as Kuwait, the Baltic states are under a military occupation. The difference is that Kuwait has been under occupation for five months, while the Baltic states have been occupied for five decades.

Secondly, there is no question that the reactionary forces in the Soviet Union planned their aggression in the Baltic states to coincide with the beginning of the war in the Persian Gulf.

It is not accidental that the information, or, more accurately, disinformation, that Moscow has provided within the Soviet Union has led to the impression that the war against Iraq would be long and not very successful for the United States.

One of the main strategies of the Soviet militarists and communists has been to divert the world's attention from the rebirth of the terror of red fascism in the Soviet Union, Baltic states, and throughout Eastern Europe.

Thirdly, the aggression against the Baltic states, just as that against Kuwait, is not an internal matter of the aggressor nation. Today every person of good will must understand that a solution of the Baltic problem on an international level which does not include the restoration of Latvian, Lithuanian, and Estonian independence and does not include the removal of Soviet armed forces from the Baltic states cannot bring about peace, stability, and cooperation in Europe.

It is clear that the front lines of the struggle for democratization in Eastern Europe and the Soviet Union go directly throughout the Baltic states.

The communists, with the help of the army, are fully determined to avenge the losses sustained in last year's elections. They are using their last opportunity to restore a regime which, for half a century, has tyrannized the peoples of the Baltic states, the Soviet Union, and Eastern Europe, a regime which has not allowed any nation in the world to feel secure about its future.

That is why we have a right to ask: Will the world and its most powerful nation, the United States of America, truly remain silent at the moment when genocide is being unleashed against unarmed Baltic peoples?

Does anybody truly have any illusions that the bloody dictatorship presently being restored in the Baltic states by the Communist Party of the U.S.S.R. will not affect the future of the entire world?

The communists' true path to a new Europe, about which Mikhail Gorbachev so hypocritically spoke recently in Paris, is only through bloodshed and terror.

Mikhail Gorbachev, as General Secretary of the Communist Party of the U.S.S.R. and as commander in chief of the Soviet armed forces, is directly responsible for the organized military murder of civilians in Vilnius and Riga.

It is extremely difficult for me to characterize the present situation in Latvia for it is dramatically changing. It is difficult also because it is impossible for me to express my feelings at a moment when my bothers and sisters are being fired upon in Latvia, when among the murdered is my close friend and world famous filmmaker Andris Slapins.

But I can say this: The people of Latvia are at this moment united upon the barricades and will not retreat in the face of communist aggression.

On these barricades of freedom, in the full sense of this word, stand not only the Latvians of Latvia, but also Russians. It should be noted that among the first casualties were Russian policemen, who in their struggle against the communist hirelings, or gestapo, the Black Berets, were willing to give up their lives for Latvia's freedom and democracy.

We fully understand that we cannot retreat in the face of the madness of the Kremlin tyrants. Upon our persistence depends not only our future, but also that of the U.S.S.R. and other European peoples.

And we note with great satisfaction that this struggle against Gorbachev's dictatorship has been joined by Boris Yeltsin and the Russian people.

As you no doubt know, demonstrations of solidarity with the Baltic peoples are taking place throughout the Soviet Union. Units within the Soviet army have refused to follow the orders of the red generals and have refused to occupy Latvia and murder its civilian inhabitants. We can no longer turn back.

We have unofficial information from Moscow that the communists have already prepared lists of those to be murdered or repressed after the change of power. In Latvia, it is not only the human right to be free that is being violated, but the very right to exist.

Esteemed ladies and gentlemen, I hope you understand that it is very difficult for me to be in a foreign land when a devastating tragedy is taking place in my homeland of Latvia. I am here because that was the decision of our parliament.

We cannot defend ourselves against an overwhelming aggressive force alone. We know that without forceful and consistent pressure by the United States on the Gorbachev government, democratization will be destroyed in the Baltic states, Russia, and beyond.

If that happens, the satanic, nuclear-armed communist regime, together with Saddam Hussein, will turn our lands and the entire world into a living hell.

The madness that communism has visited upon the Baltic states can be stopped only by the combined efforts of a strong United States president, a determined United States Congress, and a supportive American public.

Under these circumstances, it is unthinkable that the planned summit between Gorbachev and President Bush could take place. Economic assistance to the central Soviet government must be stopped, the same decision established by, for example, Government of Canada.

It seems that it should be clear to everyone by now that peace and stability in the Baltic states are impossible until the Soviet

armed forces are removed from these occupied lands. Peace and security are unachieveable until the governments of the U.S.S.R. and Baltic states sign a treaty concerning the provisional status of Soviet troops in the Baltic states. This is an issue which the Baltic states can solve only with the help of the Western governments.

We are awaiting support from the world for the appeal, signed by the Baltic and Russian presidents, asking that an international conference be organized, devoted to solving the Baltic problem and realizing the deoccupation of the Baltic states.

The United States, which to this day has not recognized Latvia's, Lithuania's, and Estonia's illegal annexation and Sovietization, has a decisive role in this process. It is for this reason that we would like to see a high-level United States delegation visit the Baltic states as soon as possible.

In this regard, it should be noted that the Swedish, Norwegian, Polish, and Russian delegations, which are presently visiting the Baltic states, are having a significant impact on developments there.

I feel that it is of the highest importance that we, the elected representatives of the democratic Governments of Latvia and Lithuania, be able to meet with President Bush at this critical time.

In 1968 the world community could not prevent the Soviet Union's cruel imposition of the Husak puppet government in Prague. Today in Latvia there is an identical attempt to topple the democratically elected anti-communist parliament and government. Will the world again be incapable of acting?

Within the Soviet Union, the situation is similar to the last days of the Ceaucescu dictatorship. All of the peoples of the U.S.S.R. have a common goal, a struggle against the central government and a commitment to end the empire of lies and evil.

Dear friends, allow me to stress once more that all of Latvia finds itself positioned on the barricades of freedom. These barricades take their strength and support from the persistence of our people and their belief in our spiritual strength and the victory of truth.

It is this which the communist empire fears most. For that reason, Soviet militarists, in their fear and weakness, are ready to fire on unarmed civilians. Our freedom and our spirit cannot be destroyed, not with lies, not with tanks, not with tear gas, nor terror.

We are convinced that we will reach our goal, regardless of what it may cost us. I am extremely proud that today in these historical chambers of the United States Congress I can represent a people and land which will not submit, which will always and everywhere fight for that which is dearest: freedom.

Nevertheless, the flame of freedom in Latvia and of life itself is also in your hands. And upon you depends whether the flow of blood in Latvia will be stopped.

Thank you.

Chairman HOYER. Thank you very much for that very powerful statement, Mr. Vice President. We appreciate your being here.

Originally we were going to go to questions, but I'm going to recognize Mr. Hough. Mr. Hough, if you will give me one second, however, before I do, I want to recognize three members of Congress, not members of the Commission, but leaders themselves in so

many areas of human rights. We're very pleased to have them join the Commission today. They were sitting in the audience, and I invited them up.

First of all, Congresswoman Patsy Mink, a long-time member of the Congress, although recently just rejoining us. And we appreciate her being here.

Congressman Craig Thomas from Wyoming. We appreciate his joining us.

And, of course, Senator Don Riegle of the State of Michigan, one of the powers in the U.S. Senate. We're pleased that he would join us as well. We know of his deep interest in the Baltic states.

And, obviously, these three members, who are not members of the Commission, are showing their deep interest and commitment to the objectives that this Commission has with respect to the Helsinki Final Act and the freedom about which both Mr. Kuzmickas and Mr. Ivans have spoken so eloquently.

Mr. Hough?

Senator WALLOP. Mr. Chairman and Mr. Hough, if you would forgive me. Mr. Chairman, I think that it would be a good thing for the Committee to take up Mr. Ivans' suggestion and that today we might, as the Helsinki Commission, write the President and ask that he meet with the elected representatives of the democratic governments.

Chairman HOYER. Senator, it would be my intention at the conclusion of the hearing to seek the advice and counsel of the Commission. And I think that it would be appropriate that we request the President to take such action.

Senator WALLOP. Thank you.

Chairman HOYER. Mr. Hough?

Mr. HOUGH. Thank you.

Before I begin my testimony——

Chairman HOYER. Let me, if I might, read your biography, just because the audience doesn't know—I think the members have it in front of them. Mr. Hough is presently associated with the law firm of Walter, Constan, Alexander and Green in New York and is a member of the Lawyers' Committee on Human Rights.

He has traveled throughout the Baltic states and Eastern Europe and has authored, among other works, a legal monograph entitled "The Annexation of the Baltic states and its Effect on the Development of Law Prohibiting Forcible Seizure of Territory," a particularly relevant subject today.

In August 1989 Mr. Hough addressed a nationalities conference in Latvia on nonrecognition of annexations resulting from the Molotov-Ribbentrop, Hitler-Stalin Pact. He currently serves as a legal advisor to the Government of Lithuania.

Mr. Hough, we're pleased that somebody of your experience and knowledge would join us today. Thank you, sir.

TESTIMONY OF WILLIAM J.H. HOUGH, WALTER, CONSTON, ALEXANDER AND GREEN, LAWYERS COMMITTEE ON HUMAN RIGHTS

Mr. HOUGH. Thank you, Mr. Chairman and members of the Commission. I want to thank you for this opportunity to address you regarding the current crisis arising from the Soviet Union's mili-

tary attack on the democratically elected Governments of the Baltic states, of Estonia, Latvia, and Lithuania.

And I just wanted to add at the outset of this testimony that I was glad to hear today the distinction made between Russians and Soviets because it's a crucial distinction, one which the Soviet Union has tried to blur for decades.

And I heard the other night a BBC report about a young Soviet soldier who, in fact, argued with the troops at the Lithuanian TV tower and attempted to stop them from shooting on innocent civilians.

This man was shot in the back by a kalashnikov, and the BBC interviewed the doctor in the hospital in Vilnius who had examined the body of this young man.

And I think the memory of that young man is perhaps really a fitting testimony to all of those people in Russia and the other republics of the Soviet Union who, as you said, last weekend demonstrated so massively in favor of Baltic independence.

And it is certainly true that this is an attack by the Soviet regime and those organs of the regime in a last-gasp effort to preserve their privileges.

I think that the common understanding among peoples that has been, in fact, advanced in the Soviet Union, due, in part, to the great efforts of people like Mr. Kuzmickas and Mr. Ivans, is cause of hope for the future.

I would like to give you a brief summary of my recent activities in Lithuania this spring, where I traveled at the invitation of President Landbergis.

However, because the time is short, I'm going to abbreviate my testimony and try to touch on some of the high points of the things that I witnessed in Lithuania and then, from a lawyer's perspective, give you my views of policy initiatives that this government might undertake to better improve the situation on the likelihood of immediate and near-term independence of the Baltic states and democratization in the Soviet Union itself.

I arrived in Vilnius after the declaration of the reestablishment of Lithuanian independence — and I think that's a very important term to note here today—the Lithuanians are only reestablishing, or have only reestablished, as have the Latvians and Estonians, an independence which was illegally taken from them in 1940.

Some people do not give great significance to this fact, but, in fact, if one looked at the Polish Constitution of 1920, the Lithuanian Constitution of 1920, one can see in the preambles that the Poles and the Lithuanians of that time felt that they were resurrecting states which had been illegally annexed in the Eighteenth Century by the Russians, Prussians, and Austrians. So there is, in fact, great historical and legal precedent for the reestablishment de jure of state independence and continuity.

The atmosphere in Lithuania shortly after the reestablishment of independence changed quickly on March 15th. On that evening, Vremya, the evening Soviet news program, broadcast a stinging attack on Lithuania's government.

Shortly afterwards, Soviet attempts to intimidate Lithuania began. These efforts at intimidation included: massive series of convoys of Soviet armor moving through populated areas day and

night, the takeover of public buildings, the abduction of young men fleeing Soviet military conscription, the entry into Lithuania of swarms of plainclothes KGB officers, the flying of helicopters over the rooftops of Vilnius, and the dropping of propaganda leaflets stating "Rise up, Lithuanians, and overthrow your bourgeois oppressors. Where is the West's recognition of Lithuania? Where are Western credits?"

In one particularly outrageous attempt to spur anxiety, KGB troops were seen remarking the border between that area of Lithuania which had been occupied by Poland from 1920 to 1939 and which had later been returned to Lithuania, the ostensible reason: in case of Lithuanian independence, Byelorussia wanted to obtain this territory.

To my knowledge, this incident constitutes the first attempt by a Helsinki Agreement signatory state to question recognized European borders. I should note, however, that the Byelorussian Popular Front immediately denounced this attempt by the Stalinist Byelorussian Communist Party as an attempt to foment Lithuanian-Byelorussian antagonism.

One particularly outrageous example of Mr. Gorbachev's duplicity during this time period stands out in my memory, in particular. The Lithuanian government had passed a temporary constitution to guarantee all of its citizens' rights upon the territory of Lithuania.

Lithuania had, therefore, appointed a state procurator to enforce the laws of Lithuania. This procurator's name was Pavlavskas. And he quickly won the allegiance of the nation's judges and lawyers.

The Soviet government, realizing the threat to the enforcement of its own laws upon Lithuanian territory, sent its deputy procurator general, Vasileyev, to Vilnius.

Vasileyev brought with him an ethnic Lithuanian, a Mr. Petrauskas, from the Soviet military command in Riga, who Mr. Vasileyev insisted should replace Mr. Pavlavskas.

In a meeting at the procurator's office on Golgol Street, all of the office's employees were called together to decide which procurator they would support.

As described to me by a reporter for "The London Times," the vast overwhelming number of employees informed Vasileyev that he had no right to be insisting on appointing a Soviet public procurator and urged him to return to the Soviet Union. The employees thereupon exited the room, leaving Petrauskas and his mentor, Vasileyev, and a few remaining pro-Soviet employees.

Kasimir Motieka, the Vice Chairman of the Lithuanian Supreme Council and an attorney, then asked Mr. Vasileyev to return to the Supreme Council for a press conference.

In the presence of 50 journalists, Mr. Vasileyev insisted that "No force would be used" to resolve the procuracy problem. Yet as Vasileyev left Vilnius that evening, truckloads of Soviet paratroopers pulled up outside the building of the procuracy and broke down the doors.

Indeed, we later learned that the order to forcibly break into the procuracy had already been given by the time that the second-ranking law enforcement official in the Soviet Union was telling the international press that no force was to be used.

Mr. Chairman and members of the Commission, when the ranking law enforcement officials in the USSR are willing to openly fabricate the truth before the world press and these same individuals have been entrusted to create a state based upon law, one has to seriously question whether the rule of law in the Soviet Union will ever be possible under President Gorbachev.

Certainly the most tragic Incident during my stay in Lithuania this spring occurred on the night of March 26 to 27, when Soviet paratroopers invaded and ransacked two Lithuanian hospitals, threatened an American-Polish TV camera team with execution, and forcibly beat and abducted more than 20 young Lithuanian men who had taken shelter in the hospitals under the flag of the Red Cross.

These young men, who did not resist the Soviet troops, were beaten with rifle butts, their noses and ribs smashed, and deported by military aircraft to Anadyr, a Siberian border city controlled by the KGB across the Bering Strait from Alaska.

Since that date the Soviet military has been abducting, beating, and deporting scores of young Baltic men as well as other young people fleeing Soviet conscription in Georgia, Moldavia, Armenia, Azerbaijan, and Ukraine.

For those of us in Vilnius, it was particularly horrifying to hear the Soviet government quote Vice President Quayle's remarks in a television interview the day before in which he conceded that an army had a so-called "right" to capture its "deserters."

The U.S.S.R.'s ability to selectively quote United States Executive Branch officials with respect to crucial issues, such as the so-called right to capture deserters, should give pause to all such Executive Branch officials who speak on such questions.

Sadly, the United States Department of State refused to condemn the outrageous breach of international law represented by these abductions.

Later, last spring, when I returned from the Baltic states, I worked with Baltic-American leaders to draft a request to President Bush in which the Baltic leaders requested a State Department white paper on Baltic conscription. Our President refused to accept this request.

While the State Department may fear the issue, I do not. Let it be quite clear. If we do not recognize the annexation of the Baltic states, if we regard the Hitler-Stalin Pact as a breach of international law, then the Baltic states constitute occupied territory pursuant to the Hague Conventions of 1907 and the Geneva Conventions of 1949 and generally recognized principles of international law, as set forth by the Nuremburg tribunal, the citizens of the Baltic states are, therefore, protected by international law from conscription. The U.S.S.R. government is thus prohibited from taking these men by force.

If anyone has any doubt upon this score, one need only review the decision of the French war crimes court in the case of Robert Wagner, a German in occupied Alsace. Wagner was sentenced to death in 1946 for conscripting Alsatians into the German army.

In the next weeks, we need to send a signal to the Soviet Union that we do seriously respect the Baltic demands for independence. My suggestions would be as follows. One, so far we have refused to

recognize the democratically elected governments of the Baltic states. This policy must change.

In 1918, there was ample historical precedent that before the situation in the Baltic states was settled after World War I, that the allied powers at Versailles gave de facto recognition to the early Baltic governments.

So far, unfortunately, our National Security Council has deterred U.S. government help to the Baltic states and other democratically elected governments by instituting an Executive Branch policy forbidding governmental assistance to Soviet republics without the approval of the Soviet government organs in Moscow.

This policy, short-sided as it may be, is an absolute breach of specific bilateral treaties of friendship and cooperation with the Baltic states, which the National Security Council has evidently forgotten, in fact, are not part of the Soviet Union.

Sadly, this government continues to enter into Executive Branch agreements with the U.S.S.R., such as the recent maritime and civil aviation agreements concluded last year, which directly contravene our Baltic treaty commitments and serve notice to the U.S.S.R. government that it can send its delegates to Washington, it can have and divide up Baltic ports and airfields with U.S. Department of Transportation officials, it can refer to such ports and cities and airfields as Soviet ports of call in appendixes to such Executive Branch documents and receive accolades from our president for having done so.

Sadly, I happen to have learned this past week from various missions to the United Nations and from friendly European states that our Mission to the U.N. is, in fact, actively discouraging U.N. member states from raising the Baltic question at the U.N.

What must change? We must, in fact, immediately recognize de facto the current governments of the Baltic states. If the allies could have done it in 1918, we can do it today.

Two, we should apply a direct so-called creeping recognition policy to help Mr. Yeltsin; the Prime Minister of Moldavia, Mr. Druk; the President of Georgia, Mr. Gamsakhurdia; and other similarly elected, popularly elected, governments. Food aid and economic assistance should be immediately directed to these republics. We must strengthen our friends and weaken our enemies.

The National Security Council directive must be repealed. As a signatory state to the Geneva Convention, we must immediately urge other signatory states to convene a meeting with respect to forcible conscription in the Baltic states.

Finally, we must raise the Baltic question at the United Nations. I would like just to quote for 30 seconds, and no more because I know that you have questions to ask, the statements of our representative at the United Nations in 1968, Mr. Ball, when the United States government raised the Czechoslovakian question before the Security Council.

It's important to note that the Security Council at that time did not, and probably could not, have passed a resolution with respect to Czechoslovakia because of the Soviet effective veto right.

Nonetheless, we were not afraid to raise the question because it clearly constituted a threat to international peace and security under the terms of the United Nations Charter.

Mr. Ball said at that time, "A small independent nation seeking once again the simple right to assert its own national personality and freedom has been squashed under the heel of Moscow.

"This has been done without the knowledge and against the will of the people of that nation. It was planned in secret at a time when the public air was full of smiles and embraces.

"It was a gross act of perfidy. It is contrary to every canon of international law. It should be universally and rightly condemned by world opinion, no matter where in the world it occurs.

"The ravaging of this small nation that we have witnessed is, of course, not evidence that, by nature, the people of the Soviet Union are any more aggressive than anyone else.

"It is irrefutable evidence, however, that the harassed and nervous leaders of the Soviet Union fully realize that the brand of communism they insist on maintaining in their own territories is incapable of surviving in an atmosphere where there is even the most rudimentary of fundamental human freedoms.

"It is further evidence reinforcing that which the world witnessed in the Poznan Riots, in the Hungarian rebellion of 1956, and in the obscene reality of the Berlin Wall, that the communist system is, in short, a fungus that will die once it is exposed to the sunlight of freedom, and they know it. It can only live in the dark, only in the dark of ignorance and repression. . . .

"Therefore, the United States strongly appeals for immediate action by the Council, which, under the charter, is the body primarily responsible for the maintenance of international peace and security. . . .

"The Charter is also, as a matter of reality, a principal instrument by which world public opinion can be given expression in moments such as these, moments of danger and crisis. In both capacities, we who sit on this Council have a responsibility to act and act quickly.

"The invasion of this small nation casts a shadow across the world. It says to every small nation which has a big communist neighbor, "When might alone makes right, you, too, may be in danger."

Thank you.

Chairman HOYER. Thank you very much, Mr. Hough. We have just received information that may be of interest, particularly tor Mr. Kuzmickas and Mr. Ivans. I would like your comments on this information because there are so many questions and so little time. I will ask just two questions.

But, first, I would like you to comment on the information we have just received. Reuters is reporting that at 8 p.m.; that is, in half an hour, 8 p.m. Moscow time, 12 noon Eastern Standard time, Mr. Gorbachev is going to have a press conference. It's the understanding that at that press conference, he may well announce the imposition of presidential rule in Latvia and Lithuania.

We do not have confirmation beyond the Reuters report. However, I would like both of you to comment on that prospect, and on whether you have any information with respect to that.

I want to also recognize Mr. Lazoritis, who is the head of the Lithuanian legation to the United States, and we appreciate his attendance.

Mr. IVANS. I must say that it is one of decrees of Gorbachev and feelings of Gorbachev. But I had a conversation with leaders of our parliament some hours ago, this morning, and they said that no government, no parliament accepts presidential rule.

And people, our people, in Latvia, Russians and Latvians of Lett inheritance, will begin resistance, peaceful resistance, against presidential rule and against the blockade of state buildings, organizations, schools that will be under presidential rule.

And I think that it is Gorbachev's propaganda and Gorbachev's feeling about the situation in Latvia.

Chairman HOYER. Mr. Kuzmickas?

Mr. KUZMICKAS. I could add to this that imposing presidential rule on the Baltic states would lead to an economic and social and political impasse.

And what it will do, this ruling without any support of a majority of the population, means the Lithuanian parliament will recognize this decree, this possible decree, of Gorbachev as illegal and invalid in Lithuania.

And then what is to be done with the parliament? It may mean that Mr. Gorbachev will take away our Lithuanian parliament, but the Lithuanian parliament will get a new function. And what means will he use?

Now, as for our politics in such a case, it is the same as said by my colleague. It will be the politics of peaceful resistance, civil disobedience.

And it may include strikes, but not everywhere, but with the exception of food production and medical service.

Thank you.

Chairman HOYER. Thank you.

We hope that does not happen, but if it happens, it will obviously escalate the concern that all of us in Congress have, hopefully, and I believe that the administration has.

And I might say that I understand what Mr. Hough has said, but Mr. Seitz stated very strongly on behalf of the administration a very strong policy with respect to the situation in Lithuania, Latvia, and Estonia. And now we'll see what we do based upon that statement.

Let me ask you the last question I'm going to ask. In December of 1989—and Mr. Hough, I'd like to hear your comments on this as well, but particularly I'd like to hear from our two Vice Presidents of their respective parliaments.

In December of 1989 the Congress of People's Deputies, as a result of the Yakovlev Committee's report, voted on a resolution which condemned the Molotov-Ribbentrop, the Hitler-Stalin, Pact and indicated that that pact was legally untenable and invalid.

There was a vote of 1,432 to make that finding and only 252 in opposition to that finding; that is to say, a 7 to 1 majority for finding that the pact, which presumably gives to the Soviets some collar of legal authority in those three Baltic republics, was legally untenable and invalid.

If that's the case, what possible justification is the Soviet army or Mr. Gorbachev giving for the actions being taken in the Baltic states?

Mr. IVANS. Yes, but you must know about primitive Soviet ideology and Soviet policy about Hitler. The pact of 1939, was fact, it was documented. And it was difficult to not recognize it.

And so at Congress under the pressure of Baltic deputies, I am told Mr. Kuzmickas was in this Congress. But I should say no opinion except this decision.

And I know that it was a very big struggle in the Soviet government in these days. And, at last, Mr. Yakovlov, who is a very clever man and progressive man, he made sure that Congress accepted it.

But, at the same time, my recollection is that the Soviet Union said that we must alert the people to the decision of this Congress, what it wants.

But the second thing is that Gorbachev after this decision about illegal incorporation and pact between Hilter and Stalin said that Lithuania, Latvia, and Estonia freely joined the Soviet Union, that there was revolution. The facts are not important to him.

It was a revolution and we joined. And it is all theory of Soviets. And we see Gorbachev go with this view all these days.

Mr. KUZMICKAS. I should like to add that, according to the Soviet official concept—it was stated at the meeting between Lithuanian and Soviet delegations—between the Molotov-Ribbentrop Pact and the occupation of the Baltic states, there is no direct link and that the occupation in Vilnius is not a consequence of the Molotov-Ribbentrop Pact, that the pact was only a declaration.

And when we began to look at that declaration in detail and we can prove that the occupation is a direct consequence, then the Soviets began to say that we must not go back to history, we must look at how things are now.

This is an inability to think in legal terms. It's a general feature of the Soviet mentality to ignore legal bases of social and historical evidence.

Thank you.

Chairman HOYER. Mr. Hough, would you like to comment on that very briefly?

Mr. HOUGH. Yes. I noticed in last week's "Newsweek" an interview with Marshall Akhromeyev, in which he discussed important policy differences with the United States.

And he said, "I find it unfortunate that the United States has not recognized the validity of the," as he referred to it, "people's revolutions' in the Baltic republics."

So it is very clear that, in fact, the last paragraph of that Congress of People's Deputies' decision with respect to the Molotov-Ribbentrop Pact, in fact, specifically notes, I believe, that the aforementioned conclusions do not affect the validity of the events of the Summer of 1940.

So they are basing all of their positions on the simple thread that the people of the Baltic states supposedly voted freely in July of 1944; in fact, Peoples' Congresses, which then in early August decided to request to go into the Soviet Union.

Chairman HOYER. Senator DeConcini?

Co-Chairman DECONCINI. Thank you, Mr. Chairman.

Mr. Kuzmickas and Mr. Ivans, maybe you could answer this as well. The Lithuanian Foreign Minister, Mr. Saudargas, said in

Brussels very recently that President Gorbachev is "almost a powerless puppet" and that "mad generals" are running the Soviet Union.

What is your observation of who is running the Soviet Union and who is in control to order such violent actions at this particular time? Can we lay this at the feet of Mr. Gorbachev unquestionably, in your opinion?

Mr. Kuzmickas, would you give us your view, please?

Mr. KUZMICKAS. Thank you very much.

Yes, it is quite clear that Gorbachev is under the Stalinist influence of hard-line militants, but I think not to such an extent that he will not have an opinion of his own because the last time Gorbachev managed to conserve right in his hands direct power.

And, in my mind, Gorbachev himself makes a decision to give direction, to go in keeping with the concept of the use offorce. And I don't believe him, not now, of the generation of assault of buildings in Vilnius and what is happening now, what happened, in Riga.

That is, this is the case when Gorbachev himself made a choice to join. It seems to me it is possible to influence him. And if he would be a puppet in the hands of the military, of course, then the situation would be the reverse. And there would not be a possibility of influencing him in positive things.

Chairman HOYER. Thank you.

Mr. Ivans?

Mr. IVANS. Last year Michael Leaks of Lithuania and I met once more with Gorbachev for a personal conversation. And I must say about my intuition and about that what I know about the Soviet centralized government.

There is no reason to think that Gorbachev is not in power. Gorbachev has very, very strong power and Gorbachev has more power than all of Russian czars at the same time.

And before a second People's Deputy Congress, Yuri Asenosev of the interregional group of the People's Deputy Congress said that, for him, it seemed that speeches of reactionaries in the People's Deputy Congress are part of one committee and the registrar of this comedy is Gorbachev alone, that all is commanded by Gorbachev.

You know that the Soviet Union is an integrated state with strong central power and so serious moving of army, so serious moving of interior minister and KGB, for instance, is impossible without agreement of Gorbachev.

Co-Chairman DECONCINI. Thank you, Mr. Chairman.

Chairman HOYER. Thank you.

Mr. Ritter?

Mr. RITTER. Thanks, Mr. Chairman.

I want to thank you all for your very excellent testimony, by the way.

Mr. Ivans, you have said that the Soviet media is presently engaging in disinformation over the events in the Gulf and are saying it's going to be a very long, drawn-out war. Could you just expand on that for a while?

We're here sitting, thinking that at least the central government, with Gorbachev at the helm, if not sending help in the ways

of troops and material, has at least been kind on the public relations side.

Could you expand on how the Soviet media is describing our operation in the Gulf?

Mr. IVANS. Yes. I have information from my office in Riga, and I tell only this vote. And they said that beginning from last week, Soviet Central mass medias, not some democratical mass medias, but Soviet Central mass medias, all times explain the situation in the Gulf, that it is a very dangerous situation, that war will run a very, very long time and one that is very difficult for the United States and so on.

And this proposal is to make you listen, that for the peoples of the Soviet Union not to hope to expect some support from the United States, its message, which you must understand our people when they hear Soviet mass medias.

Mr. RITTER. So it's an attempt to discourage the peoples of the Soviet Union from looking towards the United States as some kind of friend to help them out of their difficulties? Is that the idea? I'm not quite sure.

Mr. IVANS. Yes, yes, of course. And I must think that some months ago, too, Soviet propaganda, communist, of course, communist, speak on the mass medias "West forgot your countries. West don't help you. Your only possible choice is the communist way," and so on and so on.

Mr. RITTER. You mentioned the possibility of a resurgent Stalinist Soviet Union teaming up with Saddam Hussein. Is it possible that if these hard-core Stalinists get back in control of the Soviet Union, that they would shift gears on Persian Gulf policy to the detriment of the United States and the West and the U.N.?

Mr. IVANS. Yes. In the Soviet Union, all is possible, but I think that it is impossible for one reason. The Soviet army is not so united as it was sometimes earlier. And, as you know, some paratrooper divisions, some tank divisions resist against general summons.

And I think that Soviet army and officers and soldiers don't want to go to Iraq, don't want to go to other countries at the same time because the only hope of reactionists is these special paratroopers' divisions.

As I know, its numbers are about 40,000 special paratroopers and the gestapo Black Berets, but no army. I think that to use army is very difficult for the Soviet Union today.

Mr. RITTER. What about the aid program? We were told in a hearing last week that our food and medicine support going to the Soviet Union—I raised the question that I had felt that it was going to the authorities; that is, the KGB and military, and that the excuse was that they were the only ones who had the organization capable of distribution.

And Assistant Secretary Seitz stated that that was not true, that the assistance from the United States is going to the decentralized elements, the democratic elements, more towards the people, as opposed to the authorities.

Do you have any information for our Commission on just how that food is being distributed, that assistance?

Mr. IVANS. No, no correct information, but I see months ago that in the black market in Riga, we see this humanitarian aid to the Soviet Union. And this means that it does not go to that where it must go. And I——

Mr. RITTER. It hasn't gone the way it must go? Is that what you're saying?

Mr. IVANS. Yes, it does go to Moscow and from Moscow to communist administration for the bureaucracy. They go to the black market or to other places. And maybe some aid goes as a direct line to advertisement.

And I remember that when the United States sent——

Mr. RITTER. Advertisement? What was advertised?

Mr. HOUGH. Propaganda.

Mr. IVANS. Propaganda. And I remember, for example, that when the United States sent humanitarian aid to Armenia, to Kirovakan in Armenia, after two days, in Latvia, in the black market were all clothes of Americans and all things which you sent to Armenia.

Mr. RITTER. Mr. Chairman, I would ask that the Commission staff make an exclusive inquiry to the Assistant Secretary Seitz for clarification on the distribution of our American assistance.

Chairman HOYER. Thank you.

Senator Heinz?

Senator HEINZ. Mr. Chairman, I think our witnesses have done a superb job this morning.

I have only one question, to which I would like answers from both Mr. Kuzmickas and Mr. Ivans, which is this: There has been a lot of speculation about the extent to which the Gulf crisis and the January 15th deadline served as a focal point and a means of distracting world attention from events in Lithuania and Latvia.

And my question is: In general, do you think that the Gulf crisis had an effect on the conflict between Latvia and Lithuania and the Soviet Union? And if so, to what degree?

And please attempt to answer the question, the collateral question: Would not such a conflict have come sooner or later, with or without a Gulf crisis?

Mr. Ivans, let me start with you.

Mr. KUZMICKAS. Yes. I think that such a conflict like that labeled accurately could be inevitable, despite other elements in the Persian Gulf, because I am convinced that the leaders of the Kremlin have refused to look at how they can tell the Baltic states to try a union treaty and instead look how to compel them.

In this connection, Soviet leaders are looking how to use an international situation and how to find any occasion. And I think that this connection between the Baltic crisis and the Gulf crisis and what did happen in Vilnius and in Riga is only accidental.

Without this Gulf crisis, as I mentioned, it would have happened anyway, in my opinion.

Chairman HOYER. Mr. Ivans, would you like to comment on that question?

Mr. IVANS. For me, it seems that the war in the Gulf is separated, is separated from the violence in the Baltic.

Senator HEINZ. Do you think that if allowed an opportunity, which the Soviet Union sees in terms of timing, the specifics, which

were occasioned by the statements or allegations that Latvians and Lithuanians weren't obeying the Soviet attempts to conscript them, would, in your judgment, at some future time there have been some other similar kind of pretext to bring about a crackdown in Latvia or Lithuania, assuming there had never been the alternative?

Mr. IVANS. It is impossible to say, but my feeling is that they wouldn't have the courage to begin actions in the Baltic. And we feel some months ago that reactionists expected this war.

And when they speak about the 15th of January, our black Colonel Alksmis in Latvia, one of the leaders of reactionist groups, said in the beginning of January that our coup in the Finnish region, that our coup in the Soviet Union must be in the end of January and the beginning of February.

Mr. RITTER. Planned a coup at that time.

Chairman HOYER. Mr. Richardson?

Mr. RICHARDSON. Thank you very much, Mr. Chairman.

I would ask the two Vice Presidents, do you foresee a showdown between Gorbachev and his military and Yeltsin and the progressives over the Baltic issue?

And, as part of that question, I understand you have recommendations for the U.S. Congress and the U.S. government about what we should do to help and stand with the Baltic states. Why would you want the summit to be cancelled or not take place?

It's my understanding the summit is scheduled for February 10. If at this time the world is diverted with the Persian Gulf crisis and there is a lack of international attention for your cause, wouldn't the summit between the United States and the Soviet Union enable both sides to focus on some of the issues that you have not ben able to internationally air as much as you wanted to?

Wouldn't the President of the United States, as I know he would, raise the issue of the Baltics? Perhaps that would not get attention because of Persian Gulf?

Mr. KUZMICKAS. It's quite possible to have a confrontation grow between Gorbachev and the military and other forces supporting him from one side and Yeltsin and those supporting the democratic process on the other side.

Now, as for the summit, I, myself, am not against this summit, but I am against the summit if the current situation in the Baltic states will continue. I am against a summit with the offices seized by Soviet troops and the people being hunted down by the Soviet troops.

If the summit is not to be suspended, stopped, then the Baltic states must be returned to the situation that existed in December. And then I am not against a summit if I understand this could deliver a possibility to settle some of the problems.

But I think that a summit, from one side, could help us by throwing the attention of the world to the Baltic problem, but, on the other side, it could make the problem worse because the Soviet propaganda system is very flexible.

And when I read in that newspaper that the Minister of Foreign Affairs, Bessmertynkh, made an approach to Mr. Mitchell not to emphasize Soviet politics in the Baltic states because this could

make a disadvantage towards the Soviets, it is a kind of Soviet demagoguery.

Thank you.

Mr. IVANS. My opinion is if President Bush meets with Gorbachev, he should also meet with the presidents of all republics which have declarations of independence because Gorbachev is appointed by the communist party of the U.S.S.R., but all other presidents, and Mr. Yeltsin, too, are elected presidents.

Who is Gorbachev? People don't elect him. People elect presidents of republics. There is a difference.

Chairman HOYER. Very powerful point, good point.

I'm now going to recognize Congresswoman Mink and Senator Riegle, if they would have any questions. We are pleased, again, that they would attend, and it indicates their deep interest in this.

Ms. MINK. Thank you very much, Mr. Chairman.

I first want to say that I would like to associate myself with the members of the panel who had an opportunity earlier to express their feelings about this issue.

I was a member of a wider world that looked at the developments in Europe with great optimism and a sense of euphoria. I joined with many people who last year went to Europe. In particular, I visited Czechoslovakia. And I felt that there was a new era, new potential. Yet, the developments in the Baltic states make for a very different scene.

And I came to the panel meeting today to not only hear from the two spokespersons from Lithuania and Latvia, but to strengthen my resolve as one member of this Congress to express how deeply appalled I am at what is going on in your two countries and to join with others in the Congress to do what I can to make this expression, the expression not only of the American government, but also of the people at large.

I have a question which goes to the internal politics of the Soviet Union. We read recent developments of the enlarged power of Gorbachev, as today's news indicate, the invocation of presidential rule.

My question is: If this should occur, does that mean that we, as Americans and people in the Congress of the United States, can expect solutions to come from Gorbachev himself if he takes over responsibility for this situation under the concept of presidential rule?

Mr. KUZMICKAS. Yes, it's possible Gorbachev could now realize his power and impose presidential rule, but this is not a solution of the Baltic problem. It is an impasse.

And to impose a presidential ruling is not difficult, but for that to be done——

Ms. MINK. But under it, he could no longer hide behind any possibility that he did not know or was not properly informed or did not have responsibility for any future action.

And that's my question. I don't know what is to occur in the days ahead. But under this concept, don't we have the possibility of assessing responsibility now instead of wondering who did this and who was in control and who was assuming the blame for the new developments?

Mr. KUZMICKAS. Yes. Not for responsibility, as legality in the Soviet system is unknown. We also know now what happened in Tbilisi, what happened in Baku and that now they are not responsible for this because they were following orders. It is a very specific understanding of responsibility.

And Gorbachev I think that he announced exactly the effort, planned action against the Baltics, but now we see a strange mentality when rationality is lost.

Gorbachev's irrational reason to assault the television station, what is his political concept of this? I think that now Soviet politics have begun going in an irrational way, in this very dangerous way.

Thank you.

Chairman HOYER. Mr. Ivans, would you like to comment?

Mr. IVANS. Yes. I must say that Gorbachev, as you know, did not condemn any action of violence in center, and I think that it's clear what is his position, what is his power.

Mr. RITTER. You mean Latvia, Lithuania, Baku, Tbilisi.

Mr. IVANS. Yes. Baku, Tbilisi elections. No action is condemned. Gorbachev said all times it's all right, the center must order these things.

Ms. MINK. Thank you.

Chairman HOYER. Thank you.

Senator Riegle?

Senator RIEGLE. First of all, I want to commend the Commission for its continuing leadership and important work, and I want to welcome and express my deepest regard to our two Vice Presidents and to their colleagues at home.

I want to make two or three comments and will do so briefly. In my mind, the democracies of Lithuania and Latvia and Estonia are part of the new world order, and we cannot let them disappear.

Frankly, speaking as one Senator, I am much more concerned about democracy in the Baltics than I am about monarchies in Kuwait or any other place. I think we run a very real risk this minute, as we sit here, that we may see democracies being taken away, and I think our government has an obligation to do everything it can to prevent that from happening.

And so I want to convey one message to you to take back to your colleagues, which is that many of us here stand with you in this struggle with a sense of affiliation and a purpose that is a universal. The purpose of every man and woman, I think, on this planet is to live in freedom in a system where they can determine their own fate.

Finally, the Baltic people have reached a point, after 50 years of suppression and brutality, where freedom and democracy are reemerging. To have that threatened is something I think our government has to oppose with a stronger voice.

I do not think we can let ourselves become so preoccupied with the situation in the Persian Gulf that we allow it to provide a cover for an illegal occupation to be reestablished in the Baltic states.

The fact that lives have been lost and lives are at risk this minute, it seems to me, is a very powerful and real fact.

Last week I introduced a resolution in the Senate, cosponsored by Senator DeConcini, Senator Wallop and Senator Carey—and I

am seeking other cosponsors—that states that until the Soviets have ceased their hostilities against the Baltic people, have withdrawn their military forces, and have initiated good faith negotiations with the democratically elected Baltic governments, of which you are part, that there should be no U.S. consideration given to granting them most-favored-nation status, insurance coverage and credit guarantees or membership in the IMF and the World Bank. Moreover, this resolution would try to strengthen the hands of your own elected governments, to compel our President to redirect any agricultural credits recently extended to the Soviet government away from the central Soviet system and into the Baltic states, to further provide emergency medical assistance to the Baltic people, and to ask that the issue of Soviet aggression against the Baltic people be raised in the United Nations.

Finally, we have to establish a more direct dialogue. I am very hopeful and will certainly join with any effort that the Commission may initiate today towards our President to meet and talk with you while you are here and allow there to be an opportunity for him to hear directly from you and learn what you and your colleagues and your people have to say to us at this critical hour.

I think it's very important that this opportunity take place. I would hope that such a meeting would bring about a more active and vigorous response by our government in your behalf.

The notion that a half a century of occupation has gone by and as we now stand at a point where democracy has been reestablished, the notion that that might be taken away, I think, is a crime, a crime against the world.

This crime has to be fought against in every reasonable and meaningful way by our government. I certainly hope that we will see this occur at all levels of our government.

I thank you, Mr. Chairman, for allowing me to make that statement.

Chairman HOYER. I want to thank Senator Riegle for making a very important contribution to this discussion and this hearing. Senator, we appreciate that. We understand your observation that we have American men and women at risk to protect very vital interests, obviously. These interests were enunciated by President Carter and now by President Bush.

But the restoration of the legitimate government of Kuwait is, in fact, the restoration of a non-democratic, a non-freely elected government. In the case of these three Baltic states, we have democratically elected leaders, we have peoples who are striving to be free, who have expressed themselves in free elections and elected their leaders, two of whom are here with us. I think that's a very important point in your cogent and excellent statement.

We are going to conclude the hearing. It is now a little after 12. I want to say that I have talked to Senator DeConcini, our Co-Chairman; Mr. Ritter, our ranking Republican member, Senator Wallop; and, of course, Senator Riegle has concurred.

Upon the termination of this hearing, we will be communicating with the White House, with the President, and urging him to meet with both of you to hear firsthand your reports and your suggestions and your concerns.

We think that that would not only be very educationally important for the President, but also would send a very, very strong message as to the level of concern that the United States government has and that our President has with respect to what is evolving in the Baltic states.

Now Mr. Ritter would like to make a comment.

Mr. RITTER. Yes. Mr. Chairman, I just want to reiterate some of the things my colleague, the Senator from Michigan, has stated. By the way, he has been a stalwart support of Baltic freedom for all the time I have been here, and I want to commend him on his statement.

I think it's important to note that democracy in the U.S.S.R. is absolutely essential to any kind of new world order and that democracy in the U.S.S.R., the fate of democracy in the U.S.S.R., directly depends on the fate of democracy in the Baltics.

And there is no world peace, as we are seeking it. There is no new world order, as we are hoping it can be in the post-Iraq situation that would be—we won't be able to deal with post-Iraq situations without the kind of cooperation that we have seen thus far in the United Nations and with the alliance that has accomplished, at least to date, the cooperation of the Soviet Union.

I have been saying that it is important as a hedging of our rather enormous bets on President Gorbachev that we need to establish greater relationships with people like yourself, governments like yours, the Boris Yeltsins, the Ivan Drach's in the Ukraine.

How? Could you just give this Commission some idea of some of the ways that we could move into this rather unchartered water of dealing intergovernmentally, directly between the United States and the Baltic countries and like democratic movements?

Mr. KUZMICKAS. Yes. I should like to. It's now very important for democratic parliaments and governments in the Baltic states to have direct-contact relationships with democratic parliaments, the congresses, and governments of Western powers.

So it seems that at the beginning we could find a way how to exchange, for example, delegations in order to look better in detail how our cooperation in the future could be carried out. But it is inevitable, and it is very necessary and I very much appreciate and think that we will find a way how to do this.

Thank you.

Mr. IVANS. Thank you. I must say thanks for your support and I am very glad that there are in the United States Congress some who understand that independence of the Baltic states is a part of the democratization of the Soviet Union. It is impossible for the aggression of the Soviet Union to result in independence.

And I think that it's a very good idea for more close contacts between the United States Congress and our parliaments because, at the same time, we have very good contacts with Scandinavian parliaments.

And, as you know, Latvia met with the Deputy Foreign Ministry of Sweden, and they want to establish contacts, direct contacts, between the Latvian government and the Swedish government and not through Moscow, as it was earlier.

And I think that it will be very, very good for us that the United States Congress and the United States government establish some direct contacts with our governments and parliaments.

Mr. RITTER. If you would propose three areas where we could establish definitive contacts right away? Given that we don't have a lot of time to work these things out, the general slow motion of the congressional process around here, what three areas would you suggest where we may establish relationships?

If you don't have them at hand at the moment, you can submit them. But even if you would give us some idea of the direct interactions that we could begin to work on immediately, that would be helpful.

Chairman HOYER. My suggestion would be, because I think it's a very important question and because you're going to be here for a number of days, that perhaps you could get those suggestions to us.

Senator DeConcini and I were talking about perhaps trying to meet with you subsequent to your meeting, hopefully, with the President. We know you have a meeting scheduled with Secretary Baker. Perhaps we could meet subsequent to that meeting.

And you ought to think about the answer to that question with respect to Secretary Baker and the President as well.

Mr. IVANS. Yes, yes.

Chairman HOYER. Again, I want to thank both of you impressive representatives of your countries, impressive representatives of the aspirations of your peoples. Clearly, in the tradition of freedom fighters throughout the world, you have shown the courage of your convictions in the face of very substantial threats and odds. Thank you, very, very much.

Mr. Hough, we thank you as well for bringing your expertise to this hearing. Thank you very much.

Mr. IVANS. Thank you.

[Whereupon, the foregoing matter was concluded at 12:23 p.m.]

APPENDIX

STATEMENT
CO-CHAIRMAN DENNIS DeCONCINI

HELSINKI COMMISSION
BALTIC CRISIS HEARING

JANUARY 22, 1991

LADIES AND GENTLEMEN, DISTINGUISHED GUESTS, IT IS WITH PLEASURE, BUT ALSO WITH SOME SADNESS, IN VIEW OF RECENT EVENTS, THAT I WELCOME OUR WITNESSES TO

TODAY'S HEARINGS ON THE BALTIC CRISIS. THESE ARE HEARINGS THAT WE WISH WE DID NOT HAVE TO HOLD. THE HELSINKI COMMISSION, AND I BELIEVE I CAN SPEAK FOR ALL THE MEMBERS OF CONGRESS, IS OUTRAGED BY THE SAVAGERY THAT HAS TAKEN PLACE IN LITHUANIA AND LATVIA OVER THE PAST TWO WEEKS. WE ALSO REALIZE THE DANGER THAT THE PEOPLE OF ESTONIA MAY FACE.

IT IS INTERESTING TO NOTE THAT THE RUSSIAN ORTHODOX ARCHBISHOP OF LITHUANIA HAS CONDEMNED THE ACTS OF VIOLENCE, AND ATTACKED THE CENTRAL SOVIET MEDIA FOR DISTORTING THE FACTS IN LITHUANIA. I WOULD NOTE ALSO THE APPEAL OF THE PRESIDENT OF RUSSIA, BORIS YELTSIN, TO STOP THE VIOLENCE AGAINST THE BALTIC PEOPLES. WE HAVE ALSO RECEIVED REPORTS THAT

THE UNITED STATES GOVERNMENT, THE CONGRESS, AND THE AMERICAN PEOPLE FEEL BETRAYED. WE HAD SEEN SIGNIFICANT CHANGES TAKING PLACE THROUGHOUT THE SOVIET UNION, AND HOPED AND PRAYED THAT THEY WERE BASED ON A SINCERE DESIRE TO CREATE, AS MR. GORBACHEV SAID, A CIVIL SOCIETY BASED UPON RULE OF LAW. BUT

SOME RUSSIAN TROOPS HAVE REFUSED TO FIRE ON LITHUANIAN CIVILIANS. IN A TIME WHEN MOSCOW IS DESPERATELY ATTEMPTING TO STIR UP INTER-ETHNIC TENSIONS BETWEEN PEOPLES IN THE SOVIET UNION, THESE EXAMPLES OF RUSSIAN SOLIDARITY WITH THE LITHUANIAN PEOPLE ARE AN INSPIRATION TO THOSE WHO WOULD PUT ASIDE ETHNIC DIVISION FOR THE CAUSE OF DEMOCRACY AND

CIVIL SOCIETY AND RULE OF LAW SEEM TO HAVE BEEN CRUSHED UNDER THE TREAD OF SOVIET TANKS.

THE HELSINKI COMMISSION IS HOLDING THIS HEARING TODAY BECAUSE WE FEEL IT IS CRITICAL TO REITERATE OUR STRONG SUPPORT OF THE BALTIC STATES IN THEIR EFFORTS TO REGAIN THEIR INDEPENDENCE.

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February 4, 1991

03012-101

Mr. John Finerty
United States Commission on Security
and Cooperation in Europe
Room 237, House Annex #2
3rd and D Streets
Washington, D.C. 20515

Dear John:

Thank you for your kind invitation to speak on Tuesday, January 22, 1991 before the Helsinki Commission. I am enclosing a copy of my written testimony for the Commission. As you will note, I have expanded my analysis of legal questions to include Baltic Observer Status at the CSCI. This section of the testimony was included after I reviewed a January 17, 1991 written response by Assistant Secretary of State Seitz to a question submitted by the United States Commission on Security and Cooperation in Europe in which Assistant Secretary Seitz seemingly put forward a new criterion for Baltic observer status - "effective independence".

I also enclose a copy of my taxi receipt, train ticket and airplane ticket as proof of my expenditures.

Thank you for your interest in my testimony. I hope that it proves to be of use to the Commission and its members.

Sincerely

William J. H. Hough, III

WJH:pak39855
Enclosures

UNITED STATES COMMISSION

ON SECURITY AND COOPERATION

IN EUROPE

Testimony of William J.H. Hough, III, Esq.

January 22, 1991

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Testimony of William J.H. Hough, III, Esq.
before the United States Commission
on Security and Cooperation in Europe

January 22, 1991

INTRODUCTION

Mr. Chairman and members of the Commission. I want to thank you for this opportunity to address you regarding the current crisis stemming from the Soviet Union's continuing military attack on the democratically elected governments of three Baltic states: Estonia, Latvia and Lithuania.

At the request of the staff of the Commission I have been asked to provide you with (1) a brief summary of my observation of events in Lithuania in March and April, 1990 as pro-bono legal advisor to the Lithuanian Parliament; (2) a review of international reaction to Soviet aggression in the Baltic states; and (3) a legal analysis of the forcible conscription of young Baltic men into the army of the U.S.S.R. I would also like to review several recent incidents in which the United States' executive branch policy vis-a-vis the Baltic states may have sent the U.S.S.R. Government the signal that the United States does not seriously support Baltic independence. Finally, I would hope to draw your attention to the immediate need for the de facto recognition of the governments of the Baltic states, the raising of the Baltic crisis at the United Nations Security Council and certain other necessary policy initiatives.

1. Events in Lithuania: March and April, 1990

In early March 1990, I was asked by Vytautas Landsbergis, then chairman of the Executive Council of the Lithuanian political movement "Sajudis" and the Congress of Estonia to travel to the Baltic states to observe the declaration of the re-establishment of Lithuanian independence and the convening of the Congress of Estonia in Tallinn. I should particularly stress the term "re-establishment" of independence with respect to Lithuania, Latvia and Estonia because Estonian, Latvian and Lithuanian statehood has never ceased to exist as matter of international law. What did cease to exist in 1940 were Baltic governments capable of independently acting on the basis of the Baltic states' Constitutions. This concept of state continuity during a period of foreign occupation is not new. Indeed, the Polish and Lithuanian Constitutions of 1920 stressed the fact that the Republics of Poland and Lithuania were the direct legal continuation of the Polish-Lithuanian state annexed in the late 18th century by the Prussian, Russian and Austrian Empires. More recently, the continuity of states as a matter of law was acknowledged by the Austrian and Czechoslovak Republics after the end of World War II. As I noted in my testimony to this Commission in October 1989, the de jure state continuity of the Baltic republics is based upon the ancient Roman maxim ex inuria jus non oritur, or "legal rights shall not arise from wrongdoing." Thus, the adoption of the Covenant of the League of Nations in 1920, and the Covenant's prohibition of forcible seizure of territory formed the legal basis for a 1932 decision by all of the world's

principal member states, sitting as the League of Nations Assembly, "not to recognize any situation or fact" brought about by a violation of the Covenant of the League or a violation of international law. This generally-recognized prohibition of the recognition of the so-called right of conquest was further strengthened by the entry into force of such multilateral agreements as the General Treaty for the Renunciation of War of 1928 ("Kellogg-Briand Pact"), the 1933 Anti-War Treaty of Non-Aggression and Conciliation, the United Nations Charter, the Charter of the Organization of American States, and the political principles outlined in the Helsinki Final Act.

Insofar as these instruments prohibit aggressive war, and recognition of the fruits of aggression, they render invalid any conquest on the part of a state which has resorted to war contrary to its international obligations, thereby confirming the legal principle enunciated in the aforementioned Roman maxim. It is important to note in this regard that mere non-recognition of territorial seizure does not, per se, render conquest illegal - it does, however, constitute an announced intention, and the assumption of an obligation by the non-recognizing state, not to validate by an act of recognition a claim to territorial title which originates in an illegal act and which is, accordingly, itself invalid.

While this analysis may seem highly theoretical, it has important ramifications for the current debate with respect to United States policy towards the Baltic states, and in particular the determination as to whether the United States should recog-

nize the governments of the Baltic states now in power in Tallinn, Riga, Vilnius. I will defer, however, any further analysis of the recognition issue until later in this testimony.

The first several days in Vilnius after the re-establishment of Lithuanian independence on March 11, 1990 were reasonably optimistic ones. After all, Mr. Gorbachev had signed a declaration of the Congress of Peoples' Deputies on December 24, 1989 in which the Soviet legislature acknowledged the illegal nature of the Hitler-Stalin Pact of 1939. Moreover, Gorbachev himself had visited Lithuania in early 1990 to hear the overwhelming demands of the Lithuanian people for independence. Many Lithuanians believed at the time that Gorbachev would never have permitted Lithuania to hold such a free election if he was unwilling to live with the only possible result: a free and independent Lithuania.

The atmosphere in Lithuania quickly changed however, after the Soviet news program Vremya broadcast a stinging attack on Lithuania's government on March 14th. Shortly afterwards, Soviet attempts to intimidate Lithuania began. Such efforts to frighten the population included massive convoys of Soviet armor moving through populated areas day and night, the take-over of public buildings and the Lithuanian press center, the abduction of young men fleeing Soviet military conscription, the entry into Lithuania of swarms of plain clothed KGB and Soviet interior ministry (MVD) officers, and the flight of helicopters over the rooftops of Vilnius and the dropping of propaganda leaflets from those helicopters which declared: "Rise up Lithuanians and overthrow

your bourgeois oppressors. Where is the West's recognition of Lithuania? Where are Sajudis' western credits?" In one particularly outrageous attempt to spur anxiety, plain clothed Soviet agents were seen re-marking the border between that area of Lithuania which had been occupied by Poland from 1920-1939 and which had later been returned to Lithuania by the U.S.S.R. after the September 17, 1939 Soviet invasion and occupation of Poland, as well as the remarking of that portion of the border which had existed until 1924 between Lithuania and the German-controlled port-city of (Klaipeda) Memel. The ostensible reason for such actions given by the Soviet agents to farmers in the vicinity who inquired as to the nature of the activity: in the event of Lithuanian independence, Byelorussia and the Soviet Government might demand sections of these territories. President Gorbachev himself had warned the Lithuanian government in early March 1990 that the U.S.S.R. would consider annexing Klaipeda if Lithuania declared independence. Gorbachev argued that Soviet solders had died driving the Germans from the city at the end of World War II, and that it would therefore be impossible for the U.S.S.R. to permit the loss of Soviet control over the port. A similar argument has been made recently by the Soviet general in charge of the Ukrainian military command to justify the Soviet Union's claim to the Romanian province of Moldova, forcibly annexed by the U.S.S.R. in 1940 pursuant to the secret protocols to the Hitler-Stalin Pact. To my knowledge, these Soviet demands on Lithuania constitute the first attempt by a Helsinki Agreement signatory state, i.e. the U.S.S.R., to question a recognized

European border. I should note, however, that insofar as the Byelorussian border is concerned, the Byelorussian Popular Front has denounced these provocations as an attempt by the Byelorussian Communist Party to foment Lithuanian-Byelorussian antagonism.

Unfortunately, the attempt to remark the former Lithuanian-Polish border was only one of many attempts by Mr. Gorbachev's government and its agents in Lithuania to foment hatred between the Baltic peoples on one hand, and Poles, Russians and Byelorussians on the other. In the early days of Lithuanian independence those of us in the Lithuanian parliament building were able to observe so-called ethnic "protest" rallies organized by the Lithuanian Communist Party loyal to Moscow in which groups of pensioners were seen being transported into Vilnius to demonstrate against Lithuanian independence in busses with license plates indicating the passengers had come from Byelorussia and the Kalingrad oblast. On one occasion, the Latvian Popular Front informed the Lithuanian Government that Soviet soldiers stationed in Latvia had been given a free weekend pass to travel tc Lithuania and participate in anti-Lithuanian demonstrations. These scenes have been repeated recently in Estonia, where nearly 20 busses of Soviet citizens were brought in from the Russian republic to form the core of last week's Inter-front demonstration against the government of Prime Minister Edgar Savisaar. Sadly, this type of organized Soviet demonstration is nothing new. The vast majority of those members of the so-called Baltic proletariat who demonstrated for the overthrow of Baltic govern-

ments in June 1940 had their shaven heads hidden by fedoras, so as to obscure the fact that they were actually Soviet army conscripts stationed in the Baltic republics.

One particularly outrageous example of Mr. Gorbachev's government's duplicity, in particular, stands out in my memory. On March 11, 1990, the Lithuanian parliament had reinstated the 1938 Lithuanian Constitution as the supreme law of Lithuania, but then suspended certain of the Constitutional provisions in favor of a temporary constitution until such time as a more progressive Constitution could be drafted. This temporary constitution, which I annex hereto as Exhibit 1 to my testimony, guarantees all citizens of Lithuania basic human rights and creates the position of Lithuanian state procurator to enforce the laws of Lithuania in Lithuanian territory. The Lithuanian procurator, Arturas Paulauskas, quickly won the allegiance of the nation's judges and lawyers. The Soviet Government, realizing the threat to the enforcement of Soviet laws in Lithuania thereupon sent its deputy procurator general, Aleksei Vasileyev, to Vilnius. Vasileyev brought with him an ethnic Lithuanian, Antanas Petrauskas, from the Soviet military command procuracy in Riga who Vassileyev insisted replace Palauskas. In a meeting in the procurator's office on Gogol Street on March 30, 1990, all of the office's employees were called together to decide which procurator they would support. As described to me by Anatole Lieven, a reporter for the London Times who witnessed the event, the overwhelming number of employees informed Vasileyev that he had no legal right to insist on the appointment of a Soviet procurator in Lithuania

and urged him to return to the Soviet Union. The employees thereupon exited to room, leaving Petrauskas and Vasileyev alone with a few pro-Soviet employees. Casimir Motieka, an attorney who is the Vice Chairman of the Lithuanian Supreme Council, then asked Vasileyev to return to the Supreme Council for a press conference. There, in the presence of scores of journalists, Vasileyev insisted that "no force would be used" to resolve the "procuracy problem." Vasileyev also denied that he knew anything about the expulsion of journalists from Lithuania - in spite of the fact that Soviet Foreign Ministry officials had for several days been ordering journalists to leave.

As Vasileyev left Vilnius that evening, truck loads of Soviet paratroopers pulled up outside the building of the procuracy broke down the doors and occupied the building. Indeed, we later learned that the order to forcibly break into the procuracy had already been given by the time that one of ranking law enforcement officials in the U.S.S.R. was telling the international press that no force was to be used.

Mr. Chairman and members of the Commission, when the ranking law enforcement officials in the U.S.S.R. are willing to openly fabricate the truth before the world press, and these same individuals have been entrusted with the creation of a state based on law, one must seriously question whether the rule of law in the Soviet Union will ever be possible under President Gorbachev.

2. Conscription of Baltic Citizens into the U.S.S.R. Armed Forces

Certainly the most tragic episode during my stay in Lithuania this spring occurred on the night of March 26-27 when Soviet paratroopers invaded and ransacked two Lithuanian hospitals, threatened an ABC American-Polish T.V. camera team filming the event with execution if they did not agree to turn their film over to the paratroopers, and forcibly beat and abducted more that 20 young Lithuanian men who had taken shelter in the hospitals under the flag of the Red Cross. These young men, who did not resist the Soviet troops, were beaten with rifle butts, their noses and ribs smashed, and deported by military aircraft to Anadyr, a Siberian border city, controlled by the KGB, across the Bering Strait from Alaska. The official report from physicians on duty at the hospital during the Soviet attack states as follows:

(Reported by phone)

GREATLY ESTEEMED MINISTER

We inform you, that on March 27, 1990, at 3:00 a.m., a Ziguli automobile drove up to the hospital gates; two armed army officers got out of the car and demanded the person on duty to open the gates, not permitting him to phone anywhere. Two army vehicles then drove onto hospital grounds; about 40 armed paratroopers got out of these vehicles. After that, the vehicles drove up to the door of the reception room. Valentina Gavrilova, the nurse on duty, opened the door and the armed paratroopers came in. All of the young men and medical staff inside the hospital became frightened. Some of the young men ran away through a side door, while about twelve young men stated that they were not going to run anywhere. These young men, even though they did not offer any kind of resistance, were pushed around and beaten by the paratroopers. There is blood on the stairs, and one smock was bloodied. Doors were broken down, windows shattered, beds overturned. The door leading to the administration offices was broken down. The staff on duty in the men's reception office called the Naujoji Vilnia Region Internal

Affairs Office, requesting help. When the militia arrived, the paratroopers pulled one of the militiamen out of the militia car, took away his pistol, beat him, kicked him as he lay on the ground, hit him with the barrels of their guns. They did all of this with the medical staff watching. The paratroopers, while seizing on hospital grounds the young men who had escaped from the army, created a great racket, which woke and greatly stressed the over 1,500 patients and the entire medical staff. The hospital ground lawns were trampled by the military vehicles. Having seized the young men, the soldiers made off to an unknown destination.

K. Daskevicius
Physician on duty

D. Domarkas
Assistant senior physician

A similar incident occurred on the morning of March 27, 1990 in Kaunas, Lithuania. The official report of the Kaunas hospital states as follows:

(Reported by phone)

Ziegzdriu Psychiatric Hospital
To the Minister of Health:

We report, that this morning, five trucks of Soviet Army paratroopers drove onto the hospital's territory. From about 6:00 a.m., these soldiers intruded into various sections of the hospital, broke down doors, cut [phone] lines, examined medical documents, acted in a rude manner with patients, and walked around arbitrarily while armed with sub-machine guns, ignoring all appeals and remarks from the medical staff. Two young men--Gintaras Botyrius from the Vilkaviskis Region, and Oleg Ulickij from Jonava--were forcibly seized and driven away to an unknown destination.

We will report separately about material damage and loss. We ask you to take measures to ensure the safety of patients and medical institutions.

Mrs. Meginiene
Acting Senior Physician

Since that date, the Soviet military has continued to abduct, beat and deport scores of young Baltic men, as well as

other young people fleeing Soviet conscription in Georgia, Moldova, Armenia, Azerbaijan and Ukraine, territories annexed in direct violation of international law in 1918, and in the case of Moldavia and Western Ukraine, in 1939-1940 as a consequence of the Hitler-Stalin Pact. As you know, such state-sponsored terror has only reinforced the determination of young men not to serve in the Red Army.

As one indication of such abuse, I would like to draw your attention to the following letter from young Lithuanian men serving in the U.S.S.R. army which was received in Lithuania on March 29, 1990:

To the Commission on Lithuanian Citizens Serving in the Soviet Army:

Writing to you is a group of soldiers, serving in the construction battalion of a military division located in a town near Moscow. While we are far from our homeland, we would like to express in correspondence our problems based on the fact that we are Lithuanian.

Serving in the army has become impossible. Phenomena, such as "gangs based on nationality" are commonplace here. Officers and non-coms pay no attention to this. Mostly Lithuanians and soldiers from the other Baltic States suffer at the hands of the soldiers from the Transcaucasus. Everyday, for no reason, we have to endure insults, humiliation, slander and even beatings. For this reason, there have been many instances where Lithuanians and other Balts, unable to withstand this sort of life, have left their military units and have fled to Lithuania while others have hidden themselves in a factory and have not returned to their companies. After such incidents, searches take place in which the Lithuanian suffers while the culprit continues as usual. Very recently, there was such a case in which a soldier did not return to his company, but instead hid and slept in the factory. He was slandered and punished by the officers. He had already been unable to work with the representatives of the Transcaucasus Republics and was asking for a transfer to another job. However, the officers paid no attention to this. Finally, he did not return to his division after work.

Another horrible incident was that a young soldier, having served two months, was raped. After this incident, he was

transferred to another unit so that others would not laugh at him. The culprit had been the commander of his section. He was transferred to another job and that is all. Money are other personal belongings are constantly being taken away from the Lithuanians. In other words, one can say that in the army, a "racket" has already appeared. They say that on such and such a day, there must be so many rubles. Clearly if a certain sum is not brought in, a price will be paid. This is why the soldiers (we also work with civilians) are forced to ask for loans of money.

In other words, life is unbearable. We are asking you if you are able to help in any way. We are still living according to old attitudes. Because we do not see all that is happening in Lithuania, we are afraid to utter even one word. If you are able, please make it possible for us to leave this unit as quickly as possible. As for those of you who are finishing military service, do everything that, after an order, we would be immediately released home. We beg of you. Help us get out from under this oppression. We can no longer listen to people calling us such names as "German!"*, etc. Soldiers have even slashed their wrists so that they could end up in the hospital and avoid having to serve with these people.

Respectfully, a group of Lithuanians:

[Signed by 19 young Lithuanian soldiers.]
Undated.
*Note: In this context, "German is synonymous with "Fascist."

For those of us in Vilnius on the morning of the abduction of the young conscripts, there was a feeling of great despair at the failure of the West to recognize Lithuania's independence. Yet, the Lithuanian people hoped that the United States Government would at the very least condemn the atrocity committed by the Soviet Spetsnaz forces at the two Lithuanian hospitals. Sadly, the confident hope that the United States would support Lithuania in her hour of need was dashed once again as wire services in Lithuania reported the fact that the Soviet Government was justifying its seizure of the conscripts by referring to remarks made by Vice President Quayle in a television interview

on March 26, in which he conceded the right of an army to capture its deserters!

In a clear de facto admission of a Baltic policy founded on the doctrine of appeasement, the United States Department of State refused to condemn the outrageous breach of international law represented by these abductions. Indeed, after the violent hospital attacks, the State Department issued a statement in which it urged the U.S.S.R. not to use force to solve the Lithuanian issue. This statement completely ignored the fact that violence had already been used by the Red Army against unarmed civilians. Later last spring, when I returned from the Baltic states, I worked with Baltic-American leaders to draft a request to President Bush in which the Baltic leaders requested among other policy initiatives a State Department "white paper" on Baltic conscription. At a meeting at the White House in early April, the administration rejected the Baltic-American request for such a document.

Such fear of confronting the Soviet Government on the legal question arising from the forcible conscription of Baltic men is unjustifiable. It is also sadly reminiscent of the efforts of President Bush, General Brent Scowcroft, and others to mute international reaction to the massacre of students in Beijing in 1989. Nevertheless, let it be quite clear: if we do not recognize the annexation of the Baltic states, if we regard the Hitler-Stalin Pact as a breach of international law, then the Baltic states constitute nations whose territory is occupied by the army of the U.S.S.R. Indeed, President Bush's Baltic Freedom

Day proclamation of 1989 specifically refers to the "occupied" status of the Baltic states.

Pursuant to the Hague Conventions of 1907 regulating the laws of war, the Geneva Convention of 1949, and generally recognized principles of international law, the citizens of states occupied by foreign military forces enjoy a protected status. It should be noted that the various Hague Conventions at first appeared to be considerably limited in their effective application by the incorporation of a so-called "general participation clause" which provided that the Conventions would be binding only if all the belligerents to a conflict were parties to the Conventions. If this clause had been strictly interpreted, it would have deprived the Conventions of their binding force either from the beginning of war, or in the course of a conflict, as soon as a non-signatory State, however insignificant, joined the ranks of the belligerents.

However, judicial decisions indicate that such a strict interpretation of the Hague Conventions has been rejected. See, e.g., The Blonde and Other Ships, 1 Admiralty Court Reports 323-324 (1922) in which "a quibbling interpretation of the Convention" in the above sense was rejected by Lord Sumner. Other authorities have argued that the Hague Conventions' substantive provisions were operative inasmuch as they embody rules of customary international law. See, e.g. Des Gouttes, La Convention de Geneve de 1929 (1930) at pp. 187-189. This was the view adopted by the Nuremberg International Military Tribunal in 1946. The Tribunal held:

> "The rules of land warfare expressed in the [Hague] Convention undoubtedly represented an advance over existing International Law at the time of their adoption. But the Convention expressly stated that it was an attempt to "revise the general laws and customs of war" which it thus recognized to be existing. But by 1939 these rules laid down in the Convention were recognized by all civilized nations and were regarded as being declaratory of the laws and customs of war...."
>
> Judgment of the International Military Tribunal 64, 125 (1946).

For the foregoing reason the Tribunal found that although Czechoslovakia was not a party to the Hague Convention of 1907, the rules of land warfare expressed in that Convention were declaratory of existing international law and therefore fully applicable as a standard for judging the actions of German occupation forces.

A nearly identical view was expressed by the Judgment of the International Military Tribunal for the Far East which held as follows:

> Although the obligation to observe the provisions of the Convention as a binding treaty may be swept aside by operation of the "general participation clause" or otherwise, the Convention remains as good evidence of the customary law of nations, to be considered by the Tribunal along with all other available evidence in determining the customary law to be applied in any given situation."
>
> 15 United Nations War Crimes Reports 13 (1949).

Similarly, the German argument that the U.S.S.R. was not a party to the 1929 Geneva Convention on the treatment of prisoners of war, and that therefore, the Convention was not binding with respect to the treatment by Germany of Soviet war prisoners, was not, in the view of various war crimes tribunals sufficient to

excuse the violation by Germany of generally accepted principles of international law pertaining to the subject. Thus, in its decision in The German High Command Trial, 12 U.N. War Crimes Reports 88-91 (1949), the Nuremberg Tribunal cited at length the numerous provisions of the Geneva Convention as being "clearly an expression of the accepted views of civilized nations" and as such, binding on Germany.

That the forcible conscription of Baltic, and certainly Moldavian, men is a war crime is borne out by the 1946 decision of the French Military Tribunal in the Case of Robert Wagner, Gauleiter of Alsace Loraine and others, 23 (1948) III Law Reports of Trials of War Criminals. Wagner was accused of ordering the forcible conscription of thousands of French Alsatian men from German-occupied Alsace into the Wehrmacht. Wagner argued that Alsace had been incorporated into the Third Reich after the defeat of France in 1940 and that its citizens had therefore become German citizens, unable to avail themselves of the protections which international law would normally afford to citizens of occupied territory. Wagner also argued that he had only followed orders given by Hitler in conscripting draft age men living in Alsace, Loraine and Luxembourg and that he should not, therefore, be held responsible. Wagner's deputy, Gadeke, who actually drafted the conscription order, made similar arguments to the Tribunal.

The Tribunal dismissed the arguments of Wagner and Gadeke noting that the German attack on France of June, 1940 and the ensuing annexation of Alsace were gross violations of interna-

tional law. Accordingly, Alsace constituted territory occupied by the German army and its citizens were entitled to protection under international law from forcible conscription. The fact that Wagner and Gadeke had followed Hitler's orders in carrying out the conscription was not enough in itself to overcome the evidence before the Tribunal that Wagner, Gadeke and others had, as chiefs of the German civil administration in occupied Alsace, willingly promoted the war aims of the Third Reich. Both men were sentenced to death and executed.

In light of the history of the development of the law with respect to the protection of the rights of civilians in territory occupied by foreign powers, it is important to note that the Fourth Geneva Convention of 1949 relating to the protection of civilians in both belligerent territory proper and in occupied territory, represents an attempt to supplement and to make more precise the provisions of the Hague Conventions on the subject. See Oppenheim, II International Law: The Laws of War § 172(b), page 451 (1955). Oppenheim notes that Articles 47-48 of the Geneva Convention, which are concerned exclusively with occupied territory are "to a large extent declaratory of existing international law - though in some ways they go beyond the provisions of the Hague Regulations and supersede them ...." Thus, the occupying power must not deport or transfer parts of its own civilian population into occupied territory - a prohibition intended to deal with those situations in which the occupant plans population transfers of its own nationals into occupied territory so as to displace the indigenous population. The Geneva Convention also

specifically prohibits the occupying power from compelling the inhabitants of occupied territory to serve in its armed or auxiliary forces; indeed, the occupant is prohibited from permitting the use of propaganda or pressure aimed at securing voluntary enlistment.

3. International Reaction to the Soviet Union's Aggression in the Baltic States.

Reaction to the recent Soviet attack on unarmed civilians and the democratically-elected governments of Estonia, Latvia and Lithuania constitutes the strongest and most vociferous international outcry with respect to the suppression of the Baltic peoples' rights of self-determination since the annexation of the Baltic states in 1940.

Although the following summary of international reaction to the events in the Baltic states is current as of January 22, 1991, it is not exhaustive.

A. The European Community

On January 10th, the European Community issued a statement stating:

> "the Community and its member States are deeply concerned by the situation in the Baltic republics ... they expect that the Soviet authorities, in conformity with their commitments under the Helsinki Final Act and the Charter of Paris, will refrain from any act of intimidation. The Community and its member States hope that the Soviet Union will enter as soon as possible into negotiations with the elected representatives of the Baltic Republics in order to meet, through a peaceful solution, the legitimate aspirations of the Baltic peoples. The Community and its member States recall to

the Soviet authorities the negative effect which the present developments have on their public opinions."

On January 14th the foreign ministers of the twelve European Community nations issued the following statement after meeting in Brussels:

> "The Community and its member states are convinced that the use of force as happened in Lithuania is unacceptable. They deeply regret that this repression has caused innocent victims. A solution can only be found through a dialogue between Soviet authorities and the elected representatives of the Baltic peoples with a view to satisfying the legitimate aspirations of these peoples. The CSCE (Conference on Security and Cooperation in Europe) process, from the Helsinki final act to the Charter of Paris, has as guiding ideas that the use of force constitutes among the 34 states participating in the CSCE an unacceptable means of resolving differences. The architecture of the new Europe can only be based on the principles of the rule of law .... The development of this cooperation cannot, however, have any other basis than shared values and objectives. That is why the Community and its member States insist that the situation which prevails in Lithuania should not be prolonged in any way or extended to the other Baltic states. Otherwise, they would have to draw the conclusion that it was necessary to react through appropriate measures and to suspend the implementation of the European Community's cooperation with the Soviet Union. Considering how much is now at stake for the Soviet Union and Europe, the Community and its member states appeal to President Gorbachev to do everything in his power to preserve the hopes raised by the Charter of Paris for a new Europe, free and democratic."

On January 22, the European Parliament blocked approval of approximately $1 billion in food aid to the U.S.S.R. in light of the Kremlin's refusal to suspend assistance if further use of force continued. European Community political directors also affirmed a decision to postpone an E.C.-U.S.S.R. summit meeting on economic cooperation. Postponement of the meeting scheduled for January 24-25 effectively suspended EC technical assistance to the Soviet Union valued at $580 million dollars and credits

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for food purchases of $680 million dollars. Foreign Minister Jacques Poos of Luxembourg, which holds the rotating EC Presidency, said that aid to the Soviet Union is "subject to reexamination" due to the deaths of four Latvians in Riga at the hands of Soviet special forces. He urged the Soviet Union to renounce the use of force and to begin a dialogue with the Baltic states to reach a peaceful solution to the crisis.

B. The North Atlantic Treaty Organization

The North Atlantic Treaty Organization (NATO) issued a statement on January 11th regarding the events in Lithuania, in which it announced its support for a peaceful solution to the Baltic crisis on January 11th, and urged the Government of the U.S.S.R. to refrain from the use of violence in the Republic of Lithuania. In its statement NATO said that its 16 member nations were "deeply concerned about the evolution of the situation in the Baltic republics, in particular, the Soviet deployment of armed forces." The NATO statement also expressed its hope that the U.S.S.R. would enter into negotiations so as to resolve the Baltic peoples' demands in a peaceful manner.

The NATO statement also said: "The allies expect that the Soviet authorities will comply fully with their CSCE (Conference on Security and Cooperation in Europe) commitment, in particular with the Paris charter."

C. Australia

Australia's Prime Minister, Bob Hawke, issued the following statement on January 14th, with respect to the Baltic crisis:

> "The Australian Government deplores the Soviet Government's use of force over recent days in Vilnius, the capitol of Lithuania .... The Soviet military's action in Lithuania threatens to undermine the more favorable attitude of Western countries towards the Soviet Union since the reform process began .... Australia does not recognize under international law the incorporation of the Baltic States in the Soviet Union. The aspiration of Lithuania and the other Baltic states for independence has been clearly reaffirmed by their democratically elected parliaments. The resort to force fails to acknowledge the fundamental democratic mandate of the Lithuanian Government and Parliament .... I urge the Soviet Government to reconsider its dispatch of additional military forces to the Lithuanian capital. I urge the Soviet authorities to exercise restraint .... The Australian government will be carefully watching future developments in Lithuania, in the hope that the tragedy which appears to be in the making can be avoided and peaceful dialogue restored. We are registering our deep concern about developments in Lithuania with the Soviet government."

The Acting Minister for Foreign Affairs, Dr. Neal Blewett on January 11th stated that the Australian Government "believes that the declarations of independence in 1990 by the freely elected parliaments of the Baltic states reflect the aspirations of the Baltic peoples to achieve economic and political independence through peaceful and democratic means. The Government hopes that all parties concerned will exercise maximum restraint to prevent the situation from deteriorating further and urges the Soviet government to refrain from actions that would jeopardize the prospects for peaceful resolution of the future of the Baltic states, in an atmosphere free of the threat of force."

On January 22, Dr. Blewett summoned the Soviet ambassador for a third time in eight days to complain about military action in the Baltic states but stated that Australia had not yet decided on trade sanctions. Foreign Minister Gareth Evans, speaking to reporters said "It would be a tragedy if recent events in the Soviet Union were to amount to a retreat from political and economic reforms." He added that Australia was "deeply disturbed" by the use of force in the Baltic states.

D. Austria

The Austrian government's statement of January 14th said: "The most recent events in the Baltic Republics, especially the military action in Lithuania and the loss of human lives caused by it, give rise to greatest concern .... Pressure, coercion and violence and the threats thereof .... is incomprehensible especially in this time in which totalitarian forms of government are overcome in Europe; it constitutes a step backward in the democratic development. The Federal [Austrian] Government considers the events in Lithuania to be a serious contravention of the spirit and the principles of the Helsinki Final Act of the CSCE, in particular of the principles of European Security and Cooperation, which only recently were reconfirmed by all European nations in the Charter of Paris."

E. Bulgaria

The first formal Bulgarian statement about events in Lithuania came on January 14th from the Coordinating Council of the

opposition Union of Democratic Forces and was read over Radio Sofia. In a sharp tone it spoke of a relapse into Stalinism, a threat to democratic developments in Eastern Europe and a risk for Gorbachev's authority as an initiator of perestroika. Later, the radio reported that President Zhelyu Zhelev had called in Soviet Charge d'affaires Vladimir Ivanisov and told him that events in Lithuania are "a heavy blow to perestroika and, therefore, a cause of serious concern in Bulgaria". The extremely dangerous form of repression made many Bulgarian citizens and organizations indignant, Zhelev said. Separate statements came from the Ministry of Foreign Affairs, the Bulgarian Agrarian National Union, and the human rights organization Helsinki Civic Assembly.

At least two demonstrations were held in from of the Soviet embassy protesting the Soviet crackdown in the Baltic states.

F. Canada

The Canadian Government also has expressed its strong disapproval of Soviet use of force in the Baltic states. On January 11th, 1991, Canada's Secretary of State for External Affairs, the Rt. Hon. Joe Clark expressed Canada's strong opposition to Soviet moves in the Baltic states to the Soviet ambassador in Ottawa. Earlier in the week, on January 8th, Secretary Clark expressed concern about the announced movement of military forces into the Baltic states, Ukraine and several other republics. "Our concerns have been forcefully conveyed today to the

Soviet ambassador" stated Mr. Clark. "We are urging restraint on all sides in this potentially dangerous situation."

Mr. Clark called on Soviet authorities to refrain from further intimidation and the use of force expressing the hope that solutions to the outstanding differences between the republics and Moscow can be negotiated.

Mr. Clark recalled that Soviet Foreign Minister Shevardnadze had assured him several times that there would be no crackdown in the Baltic states, and that President Gorbachev had reaffirmed this to Prime Minister Mulroney.

On January 22, External Affairs Minister Clark said in a special emergency debate in the House of Commons: "We have drawn a direct linkage between Canadian assistance and the continuation of Soviet reform. Canada has condemned the crackdown in the Baltic states to both the Soviet ambassador in Canada and that country's foreign minister in Moscow." Clark went to state that "Canada strongly condemns the brutal and unwarranted military force used against the democratically elected government of Latvia".

G. The Czech and Slovak Federal Republic

On Wednesday, January 9th, Czechoslovakia's Deputy Foreign Minister Zdenek Matejka expressed Prague's concern regarding Soviet troop deployments in Lithuania to Soviet Ambassador Boris Pankin. The Czechoslovak news service CTK reported that Matejka said that the use of Force could seriously hamper efforts for a peaceful solution of problems between Moscow and the Baltic

states. Also on Wednesday, President Vytautas Landsbergis of Lithuania read a message of support to the Lithuanian Parliament from Czechoslovakian President Vaclav Havel. Havel's message stated in part "truth and love should prevail over lies and hatred. I wish this were indeed so."

On January 21, the Foreign Ministers of Czechoslovakia, Hungary and Poland met to discuss the Soviet aggression in the Baltic states. A joint communique issued after the meeting declared: "The Foreign Ministers also expressed their deep concern over the current situation in the Baltic republics. They emphasized their shared conviction that attempts aimed at reversing by force the peaceful transition towards democracy and the rule of law endangers stability in Central and Eastern Europe. The Foreign Ministers expressed their sympathy and support for the aspirations of the Baltic republics and they were of the firm opinion that efforts must be made to solve the conflict, without resorting to the further use of force, through dialogue with the elected bodies of the republics. The Foreign Ministers stressed the necessity for full compliance with the obligations enshrined in the Charter of Paris."

H. Denmark

Denmark's Foreign Minister Uffe Ellemann-Jensen warned the U.S.S.R. on Friday, January 11, that European Community economic aid to the U.S.S.R. was linked to its handling of the Baltic states. "Denmark is the EC member state nearest to the Baltic republics and we feel great concern" about the situation there,

Ellemann-Jensen told Danish Radio News. "At a time when the West is negotiating with Moscow on economic aid for the Soviet Union, it is important that Moscow appreciates there is a connection between this and the political situation in the Baltic states," Ellemann-Jensen said. In a separate statement, Ellemann-Jensen said Gorbachev's message to Vilnius "was in fact an ultimatum to Lithuania to give up all efforts to achieve its independence .... the Baltic people chose their representatives in free elections last spring, but President Gorbachev seems to have forgotten this," the statement said.

Denmark's Ministry of Foreign Affairs issued a press release on January 13th which states that on that day:

> "The Minister for Foreign Affairs Mr. Uffe Ellemann-Jensen .... on behalf of the Danish Government .... presented the Ambassador [of the Soviet Union] with the .... statement [that] the Government of Denmark most strongly protests against the unprovoked attack by the Soviet authorities on civilians in Lithuania and the attempt of the Soviet authorities to inactivate the legitimate government of Lithuania .... The use of force by the Soviet authorities to suppress the freely elected representatives of the Lithuanian people and to violate freedom of speech will inevitably have very negative consequences .... The Government of Denmark expects that the Soviet Union will withdraw its forces from the public buildings in Lithuania at once and stop any form of violence and threats against the population of Lithuania and its elected representatives.

Speaking on January 22, after a Danish cabinet meeting, Denmark's Prime Minister Poul Schluter said he put "the responsibility for the bloody incidents in Lithuania and Latvia on the leaders in Moscow even if there are doubts about who initiated these acts of repression." Mr. Schluter hoped "that the suspension of economic cooperation with the Soviet Union will make such

a big impression that it will lead the Soviet leaders to begin peaceful negotiations with the Baltic states with a view to restoring their independence". Mr. Schluter declared that Denmark, with the agreement of the other members of the EC "must suspend all economic cooperation with the Soviet Union".

I. Finland

Finland has distanced itself from support for the Baltic peoples' demands that international opinion condemn recent Soviet activities in the Baltics. Finnish President Mauno Koivisto said that Finland could not afford to make an enemy of the Soviet Union. Koivisto declared: "Statements saying that one should not support the Soviet Union or Mikhail Gorbachev are in conflict with our aims." On January 10, Koivisto told the Associated Press that Finland should not give economic aid to the Baltic states since such assistance could be viewed as support for Baltic political goals and Finland must guard its own interests. On February 8, at a conference on the Baltic Sea, Finnish parliament chairman Kalevi Sorsa cut off debate at the afternoon plenary session when speakers took the podium to condemn Moscow's troop deployment in the Baltic states, and Finnish Prime Minister Harri Holkeri told his visiting counterpart Edgar Savisaar in early January that Finland could not support a plan for Iceland to mediate between Moscow and the Baltic states.

J. France and Germany

The Ministers of Foreign Affairs of France and Germany in a joint statement released January 13th declared that:

"Despite the appeals of the international community and assurances given yesterday by the leaders of the U.S.S.R., the Soviet army has continued its act of force in Lithuania. France and Germany condemn this blow struck against democracy and the law, in violation of the principles of the Charter of Paris for a new Europe. The right to self-determination and freedom of expression for the Baltic peoples and the restoration of the law must be guaranteed. France and Germany appeal to President Gorbachev to order .... the ending of the act of force and to do everything possible to resume the dialogue with the freely elected representatives of the Baltic peoples."

In a statement to the Bundestag on January 14th, Germany's Chancellor, Helmut Kohl, stated that:

> "We, Germans .... must also maintain our united, unambiguous position on the military intervention in Lithuania last weekend. We deplore the large number of deaths and injuries. We extend our heartfelt sympathy to the bereaved families .... I therefore sent a message to President Gorbachev yesterday. I appealed to him in the spirit of the CSCE principles, which we recently reaffirmed in the Charter of Paris for a new Europe, to stop the use of force, to return to dialogue and understanding, and to ensure that the results of the free elections in Lithuania and other Soviet republics are heeded. As recently as last week the Soviet leadership promised that force would not be used in the Baltics ... the normal functioning of the elected representatives of the Lithuanian people must be safeguarded .... We are firmly convinced that respect for human rights and fundamental freedoms is the basic pre-requisite for the advancement of [all-European] ... peaceful order. The events in Vilnius are a major blow to progress .... We are deeply convinced that only democracy, human rights and the rule of law are viable precepts for the future. They are the basis for a just and lasting peaceful order in Europe."

K. Hungary

The Embassy of Hungary in Washington, D.C. released a statement on January 15th which reported that Speaker Gyorgy Szabad of the Hungarian Parliament had sent an informal telegram to Lithuania's President Vytautas Landsbergis expressing "deep sympathy .... following your brave struggle in defence of Lithuanian constitutionality." The press release also reported that Prime Minister Jozsef Antall had issued a statement on behalf of the Hungarian government which declared: "We express our solidarity with the people of Lithuania and reiterate our belief only through peaceful negotiations can this problem be settled."

Hungary's Foreign Minister, Geza Jeszenszky met with Soviet Ambassador Ivan Aboimov and stressed that Hungarians cannot accept the argument that Soviet troops intervened in response to a request form Lithuanian officials. Jeszenszky asked Aboimov to forward Hungary's request to Soviet authorities, to allow Hungarian Red Cross humanitarian aid to enter Lithuania.

The first extraordinary session of the Hungarian Parliament unanimously accepted the statement drafted by the Foreign Affairs Committee: "Hungary demands an end to violence and the withdrawal of Soviet troops from Lithuania."

The parliamentary group of the Hungarian Democratic Forum stated "Nothing can justify the murder of defenseless people. The Lithuanian people have freely elected their representatives and leaders, whom no power can attempt to remove forcefully by arms, in flagrant defiance to a nation's will." A press release

reports the Hungarian Democratic Forum's National Presidium urges the Hungarian government to immediately join the democratic forces of central Europe and the Soviet Union to halt the aggression.

The Hungarian political party, the Alliance of Free Democrats' Executive Body stated: "If [Soviet aggression] is not rejected in a firm manner, then the aggression could spread all over the Baltic states, endangering the process of troops pull-out in the whole of Eastern Europe."

The National Community of the Federation of Young Democrats released a statement condemning Soviet aggression in Lithuania: "All this bears a striking resemblance to those tragic days of 1956 in Hungary .... We demand immediate withdrawal of troops and tanks and an end to violence."

The Hungarian Red Cross, the first to offer help through the International Red Cross, sent emergency aid to Vilnius via Warsaw on January 16th. It is acting in cooperation with Red Cross organizations in Czechoslovakia and Poland.

L. Iceland

On January 21, 1991 the Foreign Ministers of Iceland and Estonia issued the following joint statement:

(Signed at 11 AM, Jan. 21, 1991 Tallinn time)

The Foreign Ministers of Iceland and Estonia have been following the events in Riga, Latvia, during their working meeting in Tallinn, the capital of the Republic of Estonia, and condemns in the strongest way possible the use of Soviet military force against the population and government of the Republic of Latvia, which has caused several casualties, including five people killed according to preliminary reports.

The officials of the Soviet Government deny having played any role in this. However, the same scenario appeared last week, on January 13 in Lithuania where 14 people were killed as local TV station was attacked by Soviet troops.

For several weeks now, the Soviet Union has been using military force against democratically formed institutions of the Baltic states. Under international law this is viewed as an act of aggression. The Soviet Union cannot escape responsibility for the activities of its military units. An independent commission under UN should study the events in question and give an independent opinion.

The regulation of the Baltic crisis should immediately start on a international level. A proper forum for this should be provided by the UN.

The policies of the Soviet Union towards the Baltic countries, as well as the situation of human rights and democratic freedoms in the Soviet Union should in the future be under close surveillance of the world community. No state, either big or small, has a right to violate its international obligations. When doing so, it must be strongly reminded about the illegality of such actions.

Further violence in Latvia, as well as in Estonia and Lithuanian would have far-reaching consequences for future developments in Europe and the willingness of European nations to cooperate with the Soviet Union and give financial and economic aid to the Soviet leadership.

Jon Baldvin Hannibalsson	Lennart Meri
Minister of Foreign Affairs	Minister of Foreign Affairs
of the Republic of Iceland	of the Republic of Estonia

M. Japan

Japan has urged the Soviet Union not to unleash military force in Lithuania. In a statement issued late Friday, January 11, official Foreign Ministry spokesman Taizo Watanabe said "Japan is watching with concern as the situation in Lithuania becomes increasingly tense. Japan strongly hopes that the issue will be solved peacefully without resort to arms, through negoti-

ations between the federal government of the Soviet Union and each of the republics concerned."

On January 22, Mr. Watanabe stated that Japan's Foreign Minister, Taro Nakayama, would express to his Soviet counterparts Japan's concern regarding the use of military force in Latvia. "We have much concern about what is taking place there", Mr. Watanabe said. "The mood for perestroika is continuing, but if the current changes drastically, then we will have to change how we are going to treat humanitarian aid [to the U.S.S.R.]".

N. New Zealand

New Zealand's Prime Minister Jim Bolger said in a press statement on January 14th that "The use of Soviet military force against civilians in Lithuania is alarming and unjustified .... I am particularly concerned at the latest developments, because the main message I received in a round of meetings with senior Soviet officials in Moscow last year was that troops would not be used to resolve the dispute between the Soviet Union and Lithuania .... New Zealanders must now share the hope, with other members of the international community, that the unjustified use of force against civilians will not be repeated, and the earlier determination to resolve any differences with Lithuania through peaceful dialogue will reassert itself within the Soviet leadership."

On January 22, New Zealand's Minister of External Relations and Trade, Don McKinnon, summoned the Soviet Ambassador Sokolov to express New Zealand's concern about the recent use of force by

Soviet military units in Lithuania and Latvia. Following the meeting a press release was issued by Mr. McKinnon:

"I told Ambassador Sokolov that New Zealand was concerned and distressed at the injuries and loss of life resulting from the actions of Soviet forces in Riga on Sunday and Vilnius last week.

The use of force is contrary to the principles of the Helsinki Accords, and is abhorrent to the Government and people of New Zealand and to the international community. It is also at odds with the clear message Mr. Bolger [Prime Minister] received from senior Soviet officials in Moscow last year that the issues in dispute with the Baltic states would be solved by peaceful means without the use of force.

I told the Ambassador that we understand the tensions that can be caused by rapid political and economic reform. But we urge the Soviet authorities to renounce any further use of force, and to resolve their differences with the Baltic governments by peaceful negotiation. I said that I hope the authorities in the Baltic states and Moscow will take steps to ease the tension between them, and to work towards a solution acceptable to both sides."

O. Norway

Norway's Minister of Foreign Affairs met with the Soviet Ambassador to Norway on January 7th and expressed grave concern about the situation in Lithuania. Norway's Foreign Minister, Thorvald Stoltenberg relayed a letter to the Foreign Minister in Moscow. Mr. Stoltenberg has also sent two emissaries to the Baltic states as his personal representatives. The emissaries are members of the Law Faculty and Institute of Human Rights of Oslo and will consider the situation in the human rights sector.

P. Poland

Poland's political leaders and people expressed solidarity with Lithuania on January 11th and January 12th. On Saturday,

January 12th, two separate demonstrations were staged in Warsaw and Krakow in protest of the Soviet military action in Lithuania. In Warsaw, a demonstration gathered in front of the Soviet embassy chanting "Gorbachev go home" and "Free Lithuania." The crowd handed Soviet embassy officials a letter demanding that Soviet troops immediately halt all action against the independence of Lithuania and that Soviet troops withdraw from Estonia and Latvia as well as from Lithuania.

Also on January 9th, Polish President, Lech Walensa also sent a telegram expressing his support for Lithuania, which Lithuania's President Landsbergis read to his Parliament.

On Friday, January 11th, the Parliament of the Republic of Poland denounced the use of force by the U.S.S.R. in Lithuania and urged the Soviet Government to hold negotiations with the Lithuanian Government. A resolution approved by a vote of 293-3, with 10 abstentions, noted Mosco· once vowed to allow small nations to decide their own futures and urged the promise to be kept: "We hope that the Soviet authorities will keep their word and will allow the other nations to decide their political fate," said the resolution. "All controversial issues should be solved by means of talks and negotiations."

The Polish Foreign Ministry also responded to the use of force by Soviet troops in Lithuania saying it was watching with concern the developments in Lithuania's capital, Vilnius. It called on the Soviet leadership to resolve all controversial issues through negotiations. "Poland follows with concern the development of the situation in Lithuania" said a Foreign Minis-

try statement released after the attack by Soviet troops Friday on the Lithuanian Department of National Security and the nation's main printing plant. The Foreign Ministry statement noted its support of Lithuania's decision on March 11, 1990 to reestablish the nation's independence.

Before voting on the resolution legislators heard an impassioned plea "to save Lithuanian freedom" from Czeslaw Okinczyc, a Polish deputy in the Lithuanian parliament who had arrived in Warsaw. "The Red Army is entering Lithuania," he said tears falling down his cheeks "President Mikhail Gorbachev is demanding the recalling of the independence of Lithuania and all other laws." Okinczyc predicted Moscow would impose martial law in Lithuania unless the declaration of independence was cancelled. "I came here from Lithuania to ask you to save Lithuanian freedom," he said. Okinczyc asked for recognition of Lithuania by Poland.

Meanwhile, in Warsaw, former US national security advisor Zbigniew Brzezinski, on a visit to Poland said the use of force by Moscow to resolve its internal problems may negatively influence relations between East and West. Brzezinski said Moscow's resorting to force was a "violation of international norms," noting that Soviet authorities recently denounced as invalid a 1939 pact between Nazi Germany and the Soviet Union that Moscow used as a pretext for its forcible annexation of Estonia, Latvia, and Lithuania in June 1940.

Brzezinski said that most western nations, including the US have not recognized the incorporation of the Baltic states into

the USSR. "So, the Lithuanian problem is not the internal affair of the Soviet Union and it is an international issue."

Q. Romania

Romania's Ministry of Foreign Affairs issued a statement on January 14th declaring: "Romania is following with concern the events in the Baltic Republics, particularly the use of force in Lithuania, resulting in loss of lives and wounded. The Ministry of Foreign Affairs is expressing its hope that the central and local Soviet authorities will act .... in keeping with the provisions of the Final Helsinki Act and other documents of the CSCE, with the view to settling the issues at stake by way of dialogue and putting an end to the use of force."

R. Sweden

On Tuesday, January 8th, 1990, the Swedish Foreign Minister, Sten Andersson, summoned Soviet Ambassador Nikolai Uspensky to protest the decision to send troops to Armenia, Georgia, the Western Ukraine, Estonia, Latvia, Lithuania and Moldavia. A Swedish statement indicated that Andersson said that pressure, violence and the threat of violence could not be accepted and antagonisms should be solved by political means and through negotiations. In the statement Sweden also reminded Moscow that the present Baltic parliaments are regarded as the legitimate representatives of their peoples and have declared their right to independence. The Swedish Under-Secretary of State for Foreign Affairs had expressed Sweden's concern with respect to events in

the Baltic states as early as December, 1990 in talks with the Soviet Ambassador in Stockholm who conveyed this concern on January 3 and 4 to various high-level Soviet representatives in Moscow.

On January 15th, the Swedish Minister for Foreign Affairs, Sten Andersson, replied at length to questions concerning measures to support the Baltic peoples. Andersson said that "The government views the turn which events in the past week in Baltic Republics have taken with deep concern, sorrow and dismay." Referring to the attack by Soviet troops ont he Vilnius television broadcasting tower, he said, ... Human lives have now ... been wasted." Mr. Andersson traced the development of the crackdown, saying, "Negative signals came as early as December last year during the session of the Soviet Congress of People's Deputies .... I am thinking ... of the statements ... made by the Soviet Minister of Defense Mr. Yazov, the head of the KGB, Mr. Kryuchkov, and ... Mr. Gorbachev." He recalled a series of explosions in Riga and the seizure of several properties by Soviet Interior Ministry troops in Riga and Vilnius.

"The situation became aggravated last week ...," Andersson said, when central Soviet authorities dispatched airborne units to several republics to purportedly ensure that conscripts join up for military service. However, just a few days later these units began to storm and occupy different public buildings in Lithuania. In the early hours of Sunday morning, a bloody attack on the civilian population in Vilnius followed, despite the fact that the Soviet leadership had given assurances the day before at a meeting with the Council of the Federation that further force would not be used.

The situation in the other two Baltic republics is very tense and there have been demonstrations of military force in both Latvia and Estonia.

The measures the central Soviet leadership has taken fill us with anger and abhorrence.

Under no circumstances can Sweden accept that Soviet troops intervene as they did in Lithuania or try to stop the political process which is underway there, or in any of the other Baltic republics. I consider what has taken place to be a clear violation of the principle of the right of peoples to self-determination as expressed in the Helsinki Document.

Attempts to undermine the legitimate power of the people by various puppet-like national salvation committees reveals a deep contempt for what is perhaps one of the most important elements in the Soviet reform process, namely the emerging parliamentary system.

The Soviet Union's escalation of the conflict between the central authorities and the Baltic republics can lead to developments with cannot be controlled. There is a danger of disturbances and bloodshed in other republics, including Russia.

In my view, Soviet action will also result in a crisis of confidence in the Soviet Union's international reputation. Furthermore, these developments will not be without consequences for bilateral Swedish-Soviet relations.

The Swedish Government's firm position in the current conflict between the Baltic republics and the central leadership in Moscow is well known. Undue pressure, force and the threat of force can never be accepted. The antagonisms which have arisen must be settled by political means and through negotiations.

Nor can we accept attempts, with the aid of dubious 'National Salvation Committees' or the like, to undermine the legally elected Baltic parliaments and the governments springing from them, which Sweden considers to be the legitimate representatives of the Baltic peoples. I would remind you that Europe's Heads of State and Government recently solemnly declared in Paris that democracy is the only acceptable form of government. The authorities have thus thereby undertaken to promote, and not to obstruct, the work of the representatives of the people."

Sweden's Prime Minister Ingmar Carlsson said on Friday, January 11th, that the Soviet Union's use of force in Lithuania was deeply ominous and could only harm relations between Moscow and the Baltic republic. "I therefore express the Swedish Government's determined view that resorting to violence cannot be tolerated. The existing differences must be solved through

dialogue and negotiations," he said in a statement. The information reaching us from Vilnius that Soviet troops opened fire and stormed public buildings is deeply ominous."

Sweden's national news agency TT reported that Sweden's ambassador to the Soviet Union, Orjan Berner, returned to Moscow today to deliver a letter form Foreign Minister Sten Andersson to his counterpart, Eduard Shevardnadze. The text of the letter was not disclosed, but the agency said it indicated a sharpening of the attitude of the Swedish government.

S. Turkey

On January 15th a Spokesman for the Ministry of Foreign Affairs of Turkey issued the following statement: Turkey is deeply concerned that the Soviet armed forces have resorted to the use of force in Lithuania with the declared aim of enforcing conscription in the Baltic Republics, which has led to the loss of lives. Turkey is of the conviction that this act runs contrary to the positive developments underway in East-West relations and in Europe.

The tragic events which took place in Azerbaijan last year during the same period are still remembered with grief in Turkey. With the hope that similar tragedies will not recur, Turkey invites all the involved parties to resolve their problems through dialogue, and without resort to violence or the use of force."

T. Ukraine

On January 14th the Presidium of the Supreme Soviet (Parliament) of the Ukrainian SSR issued the following statement: "The Presidium expresses its deep concern of the developments of recent days in Lithuania and around it; stands for the securing of the Constitutional order respect for the law in any region; supports legally elected state executive organs of the Republics and beholds that any violent actions against national statehood on the part of political parties, public and other groupings are unlawful; considers inadmissible the use of military force on the territory of any Republic for solving of the internal and inter-ethnic conflicts without approval of the legitimate Republic's authorities. Such actions contradict the Constitution and other legal instruments of the Republic's authorities. Such actions contradict the Constitution and other legal instruments of the U.S.S.R., Constitutions and Declarations of the State Sovereignty of the Republics. Contradictions arising during the process of formation of the new commonwealth of USSR nations should be resolved exclusively by peaceful means and political methods; .... Presidium of the Supreme Soviet of the Ukrainian SSR calls upon all parties involved into the conflict in Lithuanian Republic to prevent its escalation and make everything possible to solve it peacefully."

U. The United Kingdom

On Friday, January 11, the United Kingdom's Foreign Office summoned Soviet Charge d'affaires Vladimir Ivanov, to Whitehall to protest Soviet Troop actions in Lithuania. Mr. Ivanov was told that Britain saw "no justification" in the firing of tear gas and the seizure of the Lithuanian national guard headquarters and the state printing plant." A Foreign Ministry spokesman said that foreign office political director John Weston urged the USSR Government to withdraw Soviet troops from the streets of Lithuania's cities, end military action, and resume talks with the Lithuanian government.

On January 14th, British Foreign Secretary Douglas Hurd said in an interview with the BBC: "I don't see how we could continue

with the kind of programs of help for reform in the Soviet Union .... if the Soviet Union has turned its back on the West and on the ideas of reform and gone back to its Stalinist shell. I'm not saying that has finally and definitely happened .... We can't yet be sure whether this is a concerted and absolute Soviet policy or a series or repressive mistakes, but in any case we have to take it very seriously ... Trying to decide these matters by force, by tanks, by soldiers ... won't work in this case and will be a very damaging step as for the cooperation, the relationships patiently built up over five years between President Gorbachev and the West."

V. The United States

On January 13th, President George Bush condemned the use of force in Lithuania. Bush called the violence in Lithuania "deeply disturbing." Bush denounced the turn of events as "completely inconsistent" with reformist policies that have "helped create a basis for unprecedented cooperation and partnership between the U.S. and the Soviet Union."

"We condemn these acts, which could not help affect our relationship," Bush said. "At this hour, the United States and the West will redouble our efforts to strengthen and encourage peaceful change in the Soviet Union."

Bush said he inferred from a telephone conversation Friday with Gorbachev that the Soviet president still wanted to "peacefully negotiate" the Kremlin's differences with Lithuania. Bush expressed concern about the "internal affairs" of the Soviet·

Union in response to suggestions that Gorbachev might have lost some degree of control over the situation.

On the NBC News program Meet the Press, Brent Scowcroft, National Security Advisor, said the confrontation "certainly could" damage U.S.-Soviet relations. "Violence is incompatible with a solution to this problem, it's incompatible with perestroika and it's incompatible with the move of U.S.-Soviet relations toward partnership," he said.

On the CBS News program Face the Nation, John Sununu, White House Chief of Staff, said the intent of the U.S. response would be "to encourage a movement back towards the democratization and the more open structure that was the hallmark of the last three years" in the Soviet Union.

On Jan. 13th, Secretary James Baker issued the following statement while in Turkey:

"President Bush has spoken to President Gorbachev about his concerns in the Baltics. As you know, when I was in Milan I expressed my concerns about Soviet actions as well. Moreover, I conveyed those concerns directly to Minister Shevardnadze. The events of the last 24 hours are deeply disturbing and make us even more concerned. Let me make several points:

First, the United States has never recognized the forcible incorporation of the Baltic States into the Soviet Union; We support - and will continue to support - the aspirations of the Baltic peoples to determine their future.

Second, we have supported perestroika and glasnost and democratization in the Soviet Union because they have offered the best prospects for lasting improvement in U.S.-Soviet relations and for a better, freer, future for the Soviet peoples.

Third, the use of force by the Soviet government in the Baltics fundamentally and tragically contradicts the basic principles of perestroika, glasnost and democratization. Perestroika is based on the rule of law, not rule by force.

Fourth, we will continue to monitor the situation closely. Soviet interests above all else require the reform process to go forward. Only with continued reform will progress and hope for the Soviet Union be possible and in the end, enduring U.S.-Soviet cooperation, indeed partnership, depends upon continued reform - for partnership is impossible in the absence of shared values.

Fifth, its hard for me - and many of the colleagues I have been speaking to on this trip - to understand how force can be used, especially now, to suppress newly-emerging democratic institutions. Finally, let me just simply say I am deeply disturbed and saddened by these institutions. Finally, let me just simply say I am deeply disturbed and saddened by these institutions. Finally, let me just simply say I am deeply disturbed and saddened by these developments. Peaceful dialogue, not force, is the only path to long-term legitimacy and stability."

On January 16th, Secretary of State James Baker told Soviet Foreign Minister Aleksandr Bessmertnikh that U.S.-Soviet relations are at risk because of Soviet actions in the Baltic States.

State Department spokeswoman Margaret Tutwiler said on January 16th that Baker made the statement during a phone call to Moscow yesterday to congratulate Bessmertnikh on his appointment. She quoted Baker as saying the U.S. sees no justification for the troop action in the Baltic States.

Baker told Bessmertnikh that the U.S. considers continued economic and political reform in the Soviet Union essential to continued good relations with the U.S. Baker also stated that enduring cooperation is not possible in the current situation.

On January 16th the United States Senate warned Moscow of "grave consequences" if the Soviet Union pursues its crackdown in Lithuania and the other Baltic states. By voice vote, the Senate adopted a resolution sponsored by Sen. Robert Byrd, D-W. Va., strongly critical of the Soviet Union's repression of democracy

in Lithuania and called on President Bush to consider suspending economic aid.

The resolution urged Bush to immediately review all economic benefits provided by the U.S. government to the Soviet Union; to report to Congress whether those benefits should be suspended; to immediately suspend all technical exchanges; consider withdrawing U.S. support for Soviet membership in the International Monetary Fund, World Bank and GATT; and not continue most-favored-nation trade status.

Those sanctions would stay in place until Soviet troops stop obstructing the governments in Lithuania, Latvia and Estonia; Moscow withdraws the troops deployed January 7; ends obstruction of the media; begins good faith negotiations with the governments of the Baltic states; and provides assurances that grain purchased with U.S. credits are not used to coerce any Soviet republic to sign the Union Treaty. The resolution cited to "brutal and violent actions by the Soviet armed forces" against the resistance of the Lithuanians.

The United States Senate unanimously passed a resolution condemning Soviet moves in the Baltic states on Friday night, January 11th. The resolution declared:

SENSE OF THE SENATE RESOLUTION
CALLING UPON PRESIDENT GORBACHEV TO REFRAIN FROM FURTHER USE OF FORCE IN LITHUANIA, LATVIA, AND ESTONIA

WHEREAS, President Gorbachev has deployed Soviet troops to Lithuania and begun to use force to impose his rule in place of the democratically elected government of Lithuania,

WHEREAS, the United States has never recognized the forcible annexation of Lithuania, Latvia, and Estonia into the Soviet Union;

WHEREAS, these Baltic nations have been at the forefront of economic reform and real democratization among the people of the Soviet Union, and;

WHEREAS, the government of Lithuania has responded with an urgent appeal for the immediate support of all democratic countries to protect the independence and democracy of Lithuania and the Baltic states:

NOW, therefore, be it

RESOLVED, that the Senate calls upon President Gorbachev to refrain from further use of coercive tactics against the democratically elected governments of Lithuania, Latvia or Estonia. Such coercive tactics are unacceptable among the community of democratic nations and especially so at a time when the world, including the Soviet Union itself, is united in opposition to the forcible annexation of another small nation, Kuwait, by its brutal neighbor, Iraq.

The United States Government also issued a statement deploring the Soviet actions. At a press briefing, Presidential spokesman Marlin Fitzwater said the Soviet decision to send additional military forces to Moldavia, Ukraine, Georgia, Armenia and the Baltic states "represents a serious step toward an escalation of tensions within the U.S.S.R. and makes the peaceful evolution of relations among the peoples of the Soviet Union more difficult." Fitzwater said the military moves against the Baltic states were "provocative and counterproductive" and could damage prospects for peaceful and constructive negotiations on the future of those states. "The United States urges the U.S.S.R. to cease attempts at intimidation and turn back to negotiations that are conducted free of pressure and the use of force" Fitzwater said.

W. The Russian Soviet Federal Socialist Republic

In an historic and courageous move, shortly after the Soviet massacre of Lithuanian in Vilnius on January 13, 1991, Boris Yeltsin, President of the Russian Republic flew to Tallinn, Estonia where he signed a Joint Announcement with President Arnold Ruutel of Estonia, President Anatolij Gorbunov of Latvia and President Landsbergis of Lithuania. The Baltic-Russian document states as follows:

JOINT ANNOUNCEMENT BY THE CHAIRPERSON
OF THE SUPREME COUNCILS
OF THE BALTIC NATIONS AND THE RUSSIAN REPUBLIC

13 January 1991, Tallinn

The latest actions taken by the government of the USSR relative to the Baltic nations demonstrated real threats to the sovereignty of the republics, led to an escalation of violence, and increased the number of human victims.

Demonstration the unbending will of their people to defend and strengthen sovereignty -- a will which has been stated by the highest authorities of these republics;

Understanding the clear threats of human rights violations against all those who live in the Baltic region, regardless of their nationality; and

Acknowledging the fact that further development of our nations is possible only if radical changes based on freedom and democracy are implemented;

The Republic of Latvia, the Republic of Lithuania, the Russian Soviet Federated Socialist Republic, and the Republic of Estonia announce the following:

1) The sides recognize the state sovereignty of each other;

2) The authority of power in each of the republics which have signed this document is exercised only be legally elected bodies; any parallel structures which pretend to have authority are illegal.

3) All sides consider it unacceptable that force is used to resolve internal disputes, unless the legally elected governmental authorities deem it to be necessary;

4) Latvia, Lithuania, the Russian Federation, and Estonia, believe it to be unacceptable that their citizens participate in activities which cause losses to the sovereignty of any side;

5) All sides are ready to concretely support and assist each other in instances where real threats to sovereignty have arisen;

6) All sides believe that it is illegal to provoke international conflicts in the name of political aims, and condemn such acts;

7) Latvia, Lithuania, the Russian Federation and Estonia are read to develop mutual cooperation, basing it on international rights and mutual agreements;

8) All sides call on the nations of the world, including those inside the Soviet Union, to condemn sharply the armed violence against the independence of the Baltic nations and their peaceful inhabitants which has created true threats to democracy and stability in the Soviet Union and throughout the world.

This announcement shall be submitted to the United Nations, as well as other international organizations, and the parliaments and governments of the nations of the world.

Signed in the Republic of Estonia, city of Tallinn, January 13, 1991

Signed by Anatolijs Gorbunovs, president of Latvia
Vytautas Landsbergis, president of Lithuania
Arnold Ruutel, president of Estonia
Boris Yeltsin, president of the Russian Federation

4. United States Policy With Respect to Estonia, Latvia and Lithuania

In my testimony to this Commission on october 19, 1989, I noted the sad irony that while many nation states had refused to recognize the legality of the Soviet annexation of the Baltic states, not one state in the post-war period had attempted to

propose a diplomatic initiative designated to end the on-going Soviet occupation. While the United States has been more openly critical of the Soviet occupation of the Baltic nations than any other nation, it has not only failed to use international forums such as the United Nations to raise the Baltic question in a substantive manner (as opposed to mere token denunciations of the Soviet occupation), but it has also consistently undercut the non-recognition position whenever a short-term political or economic benefit could be gained. Such short-sighted policy, which is usually justified by being described as "pragmatic", invariably undercuts the legal precept which serves as the foundation of the non-recognition doctrine, i.e., the ancient Roman maxim, "ex inuria jus non oritur", or "legal rights shall not arise from wrongdoing."

a. The 1990 United States-U.S.S.R. Civil Aviation and Maritime Agreements

One of the most egregious recent examples of such a tendency on the part of the United States Government to criticize the Soviet Union on one hand for its occupation of the Baltic nations, while on the other hand rewarding the U.S.S.R. for its assertion of legal title to the Baltic states occurred on June 4, 1990, when Presidents Bush and Gorbachev executed a Maritime Agreement and Civil Aviation Agreement with the U.S.S.R. which had been negotiated on behalf of the United States by the United States Department of Transportation. At the end of each of the Transport Agreements is an appendix which lists those "Soviet" cities which are covered by the terms of the Agreements. Among

the so-called "Soviet" cities included in these appendixes are the Estonian cities of Tallinn and Pärnu, the Lithuanian city of Klaipeda, and the Latvian cities of Ventspils, Liepaja and Riga.

Mr. Chairman, there can be absolutely no justification for the specific inclusion of the Baltic states in any international agreement with the U.S.S.R. Yet, the United States Government sat down at a negotiating table with representatives of the Soviet Government in order to discuss access by United States vessels and aircraft to Baltic territory. Without even informing the accredited chargé d'affaires of the Baltic states in Washington and New York, the Department of State, the Department of Transportation and the U.S.S.R. government agreed to regulate the right of Soviet and United States shipping and air carriers to access and exploit two vital Baltic resources - air space and access to territorial waters.

It should be noted that the aforementioned agreements were criticized by the three Baltic Foreign Ministers in a press conference on May 26, 1990, as well as by Lithuanian President Vytautas Landsbergis, whose government was not consulted before the agreements were executed. That the democratically elected government of Lithuania was not consulted is particularly outrageous in light of the fact that the Lithuanian port city of Klaipeda, referred to in the Maritime Agreement, has been threatened with annexation to the U.S.S.R. by Soviet President Gorbachev. By its decision to enter into the Maritime Agreement the United States Government has given credibility to Gorbachev's claims that Klaipeda is in fact a "Soviet" port.

It is also clear that the Maritime Agreement and Civil Aviation Agreements conflict with the Baltic treaties of Friendship, Commerce and Navigation negotiated with the Baltic states in the 1920's. Although the United States Department of State lists the Baltic treaties as being "in force", apparently such a listing is for domestic political consumption only.

Of course, the Department of State eventually issued a press release contemporaneous with the signature of the Aviation and Maritime Agreements by Presidents Bush and Gorbachev in which the United States Government averred its continuing non-recognition of the annexation of the Baltic states. Of course such announcement was made after the agreements had been completed and approved for signature by Gorbachev by the Soviet Government.

Mr. Chairman and members of the Commission, it is not the existence of illegal acts which forms the supreme challenge to international law. Rather, it is the possibility of such acts giving rise to legal rights on equal footing with lawful acts. In view of the legal precepts which form the basis for the non-recognition doctrine; in view of the fact that the United States continues to recognize the legal, diplomatic and representative capacity of the chargé d'affaires of the three Baltic states resident in the United States; and given the fact that Lithuanians and Latvians have given their lives to defend the vital principle that the Baltic peoples must have the right to control their own territory free of foreign domination, it is deplorable that the United States Government would have directly recognized the de facto right of the Government of the U.S.S.R. to engage in

international diplomacy with respect to the control of the territory, the borders and resources of the Baltic states.

b. The National Security Council Directive Prohibiting Direct Assistance to the Baltic States and Republics of the U.S.S.R.

A similiarly egregious breach of the non-recognition doctrine occurred in November, 1990 when the United States Government refused to permit Assistant Secretary of the Treasury, Mr. Bruce Bartlett, to attend a private market economics seminar in Vilnius, Lithuania sponsored by the Heritage Foundation. According to a news release issued by the Lithuanian-American Community in the U.S.A. Inc. ("LAC") on November 21, 1990, and an article in the Washington Times on November 22, 1990, Mr. Bartlett was informed shortly before his departure for Vilnius by a NSC official, Nick Burns, that a National Security Council directive forbid any direct United States governmental assistance to the republics of the U.S.S.R. without the approval of the central Soviet Government. The decision to prohibit Mr. Bartlett from travelling to Lithuania was appealed to Mr. Robert Gates of the National Security Council but Gates denied the appeal. As a result of the NSC directive, reportedly drafted by President Bush's Soviet Affairs advisor, Dr. Condoleezza Rice, not only was Lithuania and its democratically-elected government deprived of an expert on private market economics, but the Soviet government and the Lithuanian people were clearly informed that Lithuania was in fact a "Soviet Republic" and not a nation under Soviet occupation.

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Once again, the United States Government breached its treaties with the Baltic states, ignored the wishes of the chargé d'affaires of Lithuania and the Lithuanian American population in the United States, and threw its support behind Soviet President Gorbachev, whose hold on power in Moscow was apparently threatened by the mere appearance of an assistant secretary of the Treasury in Vilnius.

c. Failure to Raise the Baltic Crisis at the United Nations

In recent weeks, the National Security Council has also reportedly moved to block the raising of the Soviet attack on the Baltic states at the United Nations Security Council. In my conversations with members of several European Missions to the United Nations on behalf of Baltic Appeal to the United Nations, a twenty-five year old international human rights organization based in New York, as well as our own diplomatic representatives in New York, I have learned that the United States Government has used its influence to dissuade various nation states from raising the Baltic crisis before the Security Council. Ostensibly, the United States Government wants to raise the question at the Conference on Security and Cooperation in Europe ("CSCE"), but such an effort, while useful, ignores the fact that the threat to international peace and security created by the Soviet attack on the Baltic states, is one which is imminent. Such an immediate threat can only be meaningfully addressed by the United Nations Security Council. The fact that the United States has failed to even propose observer status for the Baltic states at Copenhagen,

New York, Paris, or Malta is another indication that the United States does not intend to seriously pursue the Baltic states' occupation by the U.S.S.R. at the CSCE, and that the United States Government is more seriously committed to protecting Mikhail Gorbachev and his erstwhile allies in the military and the K.G.B. than it is in obtaining serious consideration in international forums of a solution to the Baltic crisis.

d. Refusal to Recognize Baltic Independence

Perhaps most significant among the recent indicia of de facto United States recognition and support for the Gorbachev regime and such regime's claim to the Baltic states, is the failure of the United States Government to recognize the governments of the Republic of Estonia, the Republic of Latvia and the Republic of Lithuania.

At first it was argued that the failure to recognize the Baltic governments was based upon the argument that recognition of the Baltic governments would invite the so-called hardliners in the Soviet Government to begin a violent crackdown on Baltic independence drives. President Landsbergis and others in Lithuania, Latvia and Estonia, argued that this was a patently erroneous analysis of the Baltic political situation. In fact, it was the hardliners in the local Baltic pro-communist factions which saw the failure of world recognition of Lithuania's government as a signal that the world not support Baltic independence and that the hard-liners would meet with little or no protest if they conspired with the military in a putsch. As we all know too well, this is exactly what has transpired. As I noted earlier in

this testimony, the fact that the West's failure to recognize Lithuania's independence was being used against Lithuania was readily apparent as soon as the Soviet army began dropping propaganda leaflets over the rooftops of Vilnius in March, 1990 taunting Sajudis for its failure to obtain Western recognition of Lithuanian independence or Western credits and urging the workers of the country to rise up against the government of President Landsbergis and Prime Minister Casimira Prunskienne.

5. Observer Status for the Baltic States at CSCE

On January 17, 1991, Assistant Secretary of State Raymond Seitz replied to a written question posed to the Department of State by the United States Senate regarding whether the United States would propose observer status for the Baltic states at the pending CSCE meeting in Cracow, Poland. Seitz replied that "once [the Baltic States] have gained effective independence" they may choose to become CSCE members.

Seitz' attempt to avoid answering the Senate's inquiry by proffering a newly-minted criterion for CSCE membership not only directly undermines the Baltic governments' credibility in the international arena, but also violates the concept of de jure continuity of Baltic statehood recognized by the United States Government for 50 years. I will discuss the legal basis for such continued de jure statehood in Section 6 of this testimony, and will at this point therefore solely focus on the legal basis for Baltic CSCE Observer status.

The Republics of Estonia, Latvia and Lithuania have a clear legal right to observe meetings of the CSCE pursuant to the terms of Article 54 of the Final Recommendations of the Helsinki Consultations. Article 54 states in pertinent part:

> "All European states, the United States and Canada shall be entitled to take part in the Conference on Security and Cooperation in Europe. If any of these States wishes to attend as an observer it may do so. In that case, its representatives may attend all stages of the Conference and of its working bodies, but shall not participate in the taking of decisions".

Pursuant to generally-recognized doctrines of international law, as opposed to Mr. Seitz's sui generis bench mark criterion of "effective independence", the Republics of Estonia, Latvia and Lithuania are indeed "States" within the meaning of the term as used in Article 54 of the Final Recommendations of the Helsinki Consultations and therefore entitled to CSCE Observer Status at Cracow. The generally accepted definition of the term 'State' in international law was adopted in Article 1 of the 1933 Montevideo Convention on the Rights and Duties of States, 165 League of Nations treaty Series 19 (1933). Article 1 of the Convention states in pertinent part:

> "The State as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with other states".

There is no question that the Montevideo Convention's definition of the criteria for statehood is relevant today. Indeed, in 1979 the Legal Advisor of the International Labor Organization ("ILO") in Geneva specifically referred to Article 1

of the Convention when reviewing the application of Namibia, then occupied by South African forces, for I.L.O. membership. Namibia's application was later approved by the I.L.O. Selection Committee.

A. With respect to criterion (a) of the definition of Statehood contained in the Montevideo Convention, Estonia, Latvia and Lithuania have permanent populations. Indeed, the Baltic people have occupied their current territories for nearly 4000 years. Before the declarations of Baltic sovereignty and the peaceful Baltic political revolutions of the spring of 1990, reestablishing Baltic independence, the Government of the U.S.S.R. had attempted to forcibly depopulate the Baltic states by deporting more than 600,000 Baltic citizens to Soviet territories in Siberia and the Far East. At the same time, a large influx of non-indigenous, Soviet citizens into the Baltic states had been orchestrated by Soviet planners intent upon diluting Baltic efforts to maintain ancient, cohesive, indigenous cultures.

Although today indigenous Baltic peoples comprise a greatly reduced percentage of the overall population of the Baltic states compared to the situation existing in 1939, the Republics of Estonia, Latvia and Lithuania have offered citizenship to all those people living within their borders - including those who settled in the Baltic states during the period of Soviet rule and occupation. New immigration legislation is now under consideration by the parliamentary assemblies or Supreme Councils of the Baltic states, and passage of such legislation is

imminent. In order to confer scarce state - sponsored benefits such as housing and education on only these individuals who posses Estonian, Latvian and Lithuanian citizenship or residency, identity cards are in the process of being issued to residents of the three Baltic republics. Baltic passports issued by the overseas diplomatic representatives of the Baltic states, in the United States, Canada, Vatican City, The United Kingdom, France and Australia are internationally recognized as evidence of Baltic citizenship or nationality, by many member states of the CSCE, including Italy, Spain, Germany, France, Belgium, Sweden, the United States and Canada.

B. With respect to criterion (b) of the definition of Statehood contained in the Montevideo Convention, all three Baltic republics have a defined territory recognized by the member states of the League of Nations after the Baltic states were admitted as members of the League in 1921. Most European member states of the League of Nations later subscribed to the terms of the Atlantic Charter of 1941, in which the signatory states agreed to restore to the inhabitants of Europe such "territories" and "sovereign rights" forcibly taken from them during the course of the Second World War.

Most significantly, the territories of Estonia, Latvia and Lithuania were specifically described and recognized de jure by the Union of Soviet Socialist Republics in the Treaties of Peace concluded with Estonia, Latvia and Lithuania in 1920 and registered with the League of Nations later that year. Such registration established the Peace Treaties, and the borders

specifically defined therein, as part of the recognized legal fabric of European security. With the exception of recent remarks by President Mikhail Gorbachev of the U.S.S.R. questioning the right of Lithuania to its present frontiers, no European state has questioned the territorial frontiers of the three Baltic states.

C. With respect to criterion (c) of the Montevideo Convention, the Baltic states currently possess governments which were elected after multi-party political campaigns earlier this year during the last days of Soviet-installed quisling regimes: the so-called Estonian, Latvian and Lithuania Soviet Socialist Republics. Commencing with the March 11, 1990 declaration of the Lithuanian legislature re-establishing the independence lost by Lithuania in 1940 after Lithuania's invasion by the armed forces of the U.S.S.R., the three Baltic legislatures have elected Prime Ministers, Presidents and Councils of Ministers dedicated to the full re-establishment of Baltic independence and sovereignty on the basis of the de jure legal continuity of the Republics of Estonia, Latvia and Lithuania founded in 1918. While the Soviet Government continues to maintain that the Baltic states must accept Moscow's diktats on a variety of economic and political subjects, the newly-elected Baltic governments have firmly refused to comply. In the economic domain, Baltic industry has already began to shift its focus to meet the needs of parties accepted as trade partners by the Baltic Prime Ministers, including the City Councils of Moscow and Kiev, and the Government of the Russian S.F.S.R. In so doing, the Baltic

states have successfully and openly refused to follow the directions of the Government of the U.S.S.R. Perhaps the clearest example of international recognition of the de facto existence of Baltic governments can be found in the resistance of the Lithuanian government to a full-scale economic blockade of Lithuania by the U.S.S.R. from April to July, 1990 and the efforts of Baltic leaders to deal with the crisis created by recent Soviet military attacks on Baltic civilians and official buildings. During these crises, the Presidents, Prime Ministers and parliamentarians of all three Baltic nations have travelled to, and have been received by, many member states of the C.S.C.E. including the United States, Canada, Germany, Norway, Czechoslovakia, Poland, Denmark, Sweden, and The United Kingdom, in their search for international support and assistance. These officials have been received not as representatives of the Soviet state, but as representatives of the Baltic states. Only recently the Icelandic government has announced its intention to establish diplomatic relations with Lithuania.

Today, nearly every facet of life in the Baltic states is supervised by ministers appointed by the Supreme Councils elected by the Baltic peoples. The pending redrafting of election laws and the current reformulation of pre-war Baltic Constitutions will prepare the ground for future democratic elections, free of any taint of Soviet coercion or involvement.

D. With respect to criterion (d) of the Montevideo Convention definition of statehood, the Baltic states have

already established a twenty year history of successful capacity to enter into relations with other states.

Diplomatic representatives of the Baltic states, including the three Baltic foreign Ministers, have been received as official representatives by a number of CSCE participating states in the past several months thus acknowledging the right of the Baltic republics to engage in state to state relations.

The fact that the Baltic states meet this particular criterion of the Montevideo Convention is underscored by the remarks of the noted international legal scholar Hyde:

> ". . . there must be a capacity to enter into relations with the outside world . . . Independence is not essential . . . The requisite personality, in the international sense, is seen when the entity claiming to be a State has in fact its own distinctive association with the members of the international society . . . which, howsoever concluded on its behalf, mark the existence of definite relationships between itself and other contracting parties . . ."

In spite of the aforementioned hard-won political gains following the peaceful Baltic revolutions of 1990, it must be admitted that the U.S.S.R. Government has refused to evacuate its military forces and secret police from the Baltic states and has used such forces to attack the civilian population, to bar foreigners from crossing into Baltic territory, and to savagely beat and abduct Baltic citizens, including defenseless women and young men who refuse Soviet efforts to conscript them into Soviet military service.

The governments of the Republics of Estonia, Latvia and Lithuania respectfully suggest that while such Soviet forces indeed limit Baltic sovereignty, that such resulting limitations

do not preclude a determination by the membership of the CSCE that the Baltic republics are in fact "States" within the meaning of the term as used in Article 54 of the final recommendations.

Under generally accepted principles of international law, a State need not have total or absolute control over all aspects of its internal political or economic status in order to be an accepted member of the international family of nations. Nor must a State have absolute control over foreign military forces which may have illegally violated its sovereignty. This fact was noted by Philip Jessup, Deputy United States Representative in the Security Council (and later Justice of the International Court of Justice in the Hague), speaking before the Security Council on December 2, 1948, in connection with Israel's application for membership in the United Nations. Judge Jessup outlined the legal basis for supporting Israel's claim to statehood at a time when Israel was faced with massive armed attacks on its territory and internal Arab resistance to its declaration of independence. Judge Jessup argued:

> "The Charter of the United Nations in article 4 specifies that membership in the United Nations is open to ... 'peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations'. This formulation comprises the requirements laid down by the Charter for admission of new members to the United Nations. Reduced to their essence these requirements are as follows: The political entity in question must be a state; it must be a 'peace-loving' state; it must accept the obligations contained in the Charter; and it must be able and willing, in the judgment of the United Nations, to carry out these obligations. My Government considers that the state of Israel meets these Charter requirements.
>
> "The first question which may be raised in analyzing this fourth article of the Charter and its application to

the membership of the state of Israel is the question whether Israel is a 'state', as that term is used in article 4 of the Charter. It is common knowledge . . . that while there are traditional definitions of a state in international law, the term has been used in many different ways. We are all aware that under the traditional definition of a state in international law all of the great writers have pointed to four qualifications:

"First: There must be a people
"Second: There must be a territory.
"Third: There must be a government.
"Fourth: There must be capacity to enter into relations with other states of the world.

"So far as the question of capacity to enter into relations with other states of the world is concerned, learned academic argument can be and have been made to the effect that we already have among the Members of the United Nations some political entities which do not possess full sovereign freedom to form their own international policy which traditionally has been considered characteristic of a state. We know, however, that neither at San Francisco nor subsequently has the United Nations considered that complete freedom to frame and manage one's own foreign policy was an essential requisite of United Nations' membership. . . . in this respect I believe that there would be unanimity that Israel exercises complete independence of judgment and of will in forming and in executing its foreign policy. The reason I mention the qualifications of this aspect of the traditional definition of a state is to underline the point that the term 'state' as used and applied in article 4 of the Charter of the United Nations may not be wholly identical with the term 'state' as it is used and defined in classic textbooks of international law. When we look at the other classic attributes of a state we find insistence that it must also have a government. No one doubts that Israel has a government. . . . Although, pending their scheduled elections, they still modestly and appropriately call themselves the 'Government of Israel', they have a legislative body which makes laws; they have a judiciary which interprets and applies these laws; and they have an executive which carries out the laws and which has at its disposal a considerable force which is responsive to its will.

"According to the same classical definition, we are told that a state must have a people and a territory. Nobody questions the fact that the state of Israel has a people. It is an extremely homogeneous people: a people full of loyalty and of enthusiastic devotion to the state of Israel.

"The argument seems chiefly to arise in connection with territory. One does not find in the general classic treatment of this subject any insistence that the territory of a state must be exactly fixed by definite frontiers. We all know that historically many states have begun their existence with their frontiers unsettled. Let me take as one example my own country - the United States. . . .

"Although the formulas in the classic treatises vary somewhat one from the other, both reason and history demonstrate that the concept of territory does not necessarily include precise delimitation of the boundaries of that territory. The reason for the rule that one of the necessary attributes of a state is that it shall possess territory, is that one can not contemplate a state as a kind of disembodied spirit. Historically the concept is one of insisting that there must be some portion of the earth's surface which its people inhabit and over which its government exercises authority. No one can deny that the state of Israel responds to this requirement."

"Discussion of Israeli Application for Membership", Security Council, Paris, Dec. 2, 1948, XIX Bulletin, Department of State, No. 493, Dec. 12, 1948, pp. 723-724. [emphasis supplied]

A similar position as that enunciated by the United States Government with regard to the requisites of statehood has been taken by the Federal Republic of Germany. From the German perspective, a state may lose control of vast sections of its territory to foreign military occupation but at the same time not lose its sovereignty.

Thus, when faced with the establishment of the German Democratic Republic by the armed forces of the U.S.S.R. in 1954, the German Federal Republic declared:

"By this declaration the Soviet Government seeks to create the impression that the part of Germany occupied by it has become an independent state with status equal to that of other sovereign states.

"The Soviet declaration cannot, however, alter in any way the fact that there is, was, and will be only one German state, and that it is solely the government organs of the Federal Republic of Germany which today

> represents this German state which has never perished. Nor is this fact altered by the painful reality which is that German sovereignty cannot at present be exercised uniformly in all parts of Germany."
>
> II Bundestag Stenografiche Berichte (1954) 794. [emphasis supplied]

Clearly, impairment of Baltic sovereignty by the armed forces of the U.S.S.R. is no bar to recognition of the fact that the Baltic republics are in fact sovereign European states entitled to participate in the CSCE. Indeed, one need only review the membership of the CSCE itself to determine that among its members are States which lack effective control of their frontiers and which have none of the other classic attributes of sovereignty or independence including a diplomatic corps or a separate monetary system.

While the request of the Baltic states for CSCE Observer status rests primarily upon the legal basis that, as European States, their participation in the CSCE process is appropriate and necessary, there exists a second legal foundation for their request, stemming from the ancient legal maxim fundamental to all jurisprudence, ex inuria ius non oritor, which, as noted in part 2 of this testimony, embodies the conception that legal rights should not arise from wrongful acts.

Upon this fundamental maxim of jurisprudence is based the generally-recognized proposition of international law that illegal seizure of territory, such as accomplished by the U.S.S.R. armed forces in 1940 in the Baltic states, shall not be recognized as valid. Pursuant to this norm of international law,

the Baltic states' legal identity and continuity has been specifically recognized by most member states of the CSCE and by the Council of Europe in its 1986 report on the legal status of the Baltic states. Thus, Baltic diplomats are officially accredited today in a representational or personal capacity in Canada, The United States, Australia, The United Kingdom, The Holy See and France.

The fact that illegal foreign occupation of a peaceful neighbor state should not bar its inhabitants from membership in international organizations is underscored by the 1979 decision of the International Labor Organization to admit Namibia as a member in spite of the fact that Namibia was at the time subjugated by South African occupation.

In its decision, the I.L.O. Selection Committee declared:

> "Noting that Namibia is the only remaining case of a former mandate of the League of Nations where the former mandatory Power is still in occupation.
> Considering that an application for membership in terms of Article I is prevented only by the illegal occupation of Namibia by South Africa, the illegal nature of this occupation having been confirmed by the International Court of Justice in its Advisory Opinion of 21 July 1971.
>
> Affirming that the International Labour Organization is not prepared to allow the legitimate rights of the Namibian people to be frustrated by the illegal actions of South Africa.
>
> Making it clear that in now granting the application for membership it does not overlook the wording of Article I and believes that in the near future the illegal occupation of Namibia by South Africa will be terminated;

> Decides to admit Namibia to membership in the Organization . . . . "

In light of the foregoing there is not a shadow of a doubt from a legal standpoint that the Republic of Latvia and the Republic of Lithuania have the right to participate as Observers pursuant to the terms of Article 54 of the Final Recommendations of the Helsinki Consultations. It is clear, however, that the United States is currently pursuing a policy of appeasement with respect to the actions taken by the Gorbachev regime in Moscow. Accordingly, Assistant Secretary of State Seitz's response to the Senate inquiry should be interpreted as another attempt by the United States Government to obfuscate the reality that the Baltic Republics are in fact "states" and therefore worthy of support in the CSCE.

6. Suggestions with Respect to United States Policy Towards the Baltic States

A. "De Facto" Recognition of the Governments of the Baltic States.

Foremost among the urgently needed policy initiatives to be taken by the United States Government in order to concretely and substantively support the right of the Baltic peoples to self-determination would be recognition de facto of the three Baltic governments.

At the outset I should note that there is an important distinction between recognition of a state and recognition of a particular government of such state. The Baltic states were recognized de jure as "states" from 1918 to 1922 by the Allied

Powers at the Paris Peace Conference, the member states of the League of Nations and by the United States. For those states which recognized the Republics of Lithuania, Latvia and Estonia, Baltic statehood reflected the free will of the Baltic peoples and the legitimate outcome of larger process of East-European self-determination which developed during the course of the First World War.

The invasion of the Baltic states in June, 1940 by the U.S.S.R. did not, however, extinguish the legal existence or continuity of the Republics of Estonia, Latvia and Lithuania, just as the annexation of Poland or Czechoslovakia in 1938 and 1939 by the U.S.S.R. and Germany failed to extinguish Polish or Czechoslovak statehood. The fact that Baltic state continuity has been unimpaired is indicated by the continued presence in the United States, Australia, Canada, Britain and the Vatican of diplomatic representatives of the Baltic Republics. It is also supported by the fact that the State Department continues to list United States treaties with the Baltic States as continuing "in force."

Such recognition of Baltic statehood can also be found in the legal decisions of various nations. Thus, in The Republic of Latvia Case, decided by the Restitution Chamber of Berlin in 1953, the court held:

> "According to a communication from the Foreign Office of the Federal Republic of Germany, The Republic of Latvia is regarded as continuing to exist, because the annexation of the territory of Latvia by the Soviet Union is not recognized by the Federal Republic."

Similarly, in the case of Gerbaud v. Medem, decided by the Supreme Court of France in 1951 the Court held:

> "Considering, that no act on international significance has intervened to obliterate the recognition of the Latvian State; that no treaty has intervened to sanction the disappearance of that state as a holder of rights and liable to legal obligations, that the Court of Appeals has rightly decided that so long as the Peace Treaty has not determined the fate of Latvia, it is impossible to say that Latvians at present have no nationality."
>
> [emphasis added]

Given the fact that the Republics of Estonia, Latvia and Lithuania continue to exist, as a mater of law, it is obvious that no new states may be deemed to have succeeded to the rights of the Baltic states established in 1918. Thus, the so-called Estonian, Latvian and Lithuanian Soviet Socialist Republics remained largely unrecognized as subjects of international law insofar as they constituted not "states" but, in fact, mere organs of Soviet civil administration whose primary goal was the enforcement of the will of the occupying power. This analysis of the legal status of the Baltic states has been specffically endorsed by the Swiss government to justify its refusal to deliver Baltic activities, real estate and other assets in Switzerland to the U.S.S.R. in spite of repealed Soviet requests that Switzerland do so.

In view of the continued legal existence of the Baltic states, the question arises as to whether the current governments of the Baltic republics are entitled to recognition. While recent state practice indicates that most nations have tended to explicitly recognize only "states" and not "governments" per se,

specific recognition of a particular government is not unusual after a period of upheaval or instability. Thus, after Manuel Noriega rigged Panama's elections in 1988, the United States explicitly recognized the Guillermo Endara as the de jure leader of the government of the republic, although Noriega clearly possessed de facto authority over Panamanian territory.

International law subscribes to two forms of diplomatic recognition: de facto recognition and recognition de jure. De facto recognition is a provisional form of recognition granted in those instances when a government has not acquired sufficient stability or does not yet offer prospects of complying with other requirements of recognition such as an ability to fulfill international obligations. Such a form of recognition may be withdrawn if the government fails eventually to achieve a suitable degree of stability or effective control of its territory. According to diplomatic practice, de facto recognition does not as a rule, bring about either full diplomatic intercourse or the conferment of diplomatic immunities upon the representative of the de facto government.

De jure recognition on the other hand permits inter alia the recognized government to:

a. Enter into diplomatic relations with other states and execute treaties and other agreements;

b. Revive former treaties which may have existed between the recognized state and the recognizing state;

c. Sue in the courts of law of the recognizing state; and

d. Acquire immunity for itself and its property in the courts of the recognizing state.

I believe that the de facto recognition of the governments of the Baltic states would strengthen the Baltic peoples politically with respect to any future negotiations with Moscow, would permit Baltic envoys to be received on a quasi-official basis in the foreign ministries of recognizing states, and would send a strong signal to the electorate of the Baltic nations that we respect the choice made by the Baltic peoples in the parliamentary elections of 1990.

I am not unmindful of the fact that in Latvia and Estonia the current governments have been elected by a substantial number of voters who still affirmatively claim allegiance to the Soviet Union, including large numbers of Soviet military personnel and their dependents. Nor do I wish to denigrate the legitimate and important representative capacity of the Latvian and Estonian Citizens' Congresses. I believe these Congresses are correct in insisting on new elections to the Latvian and Estonian Supreme Councils in 1991 which will void any participation by residents of Estonia and Latvia who proclaim allegiance to the Soviet Union. However, the provisional, interim nature of the governments of Estonia, Latvia and Lithuania has already been recognized by the governments themselves, and I see no threat to restoration of Estonian or Latvian statehood de facto, nor a submergence of the rights of de jure Estonian and Latvian citizens by according provisional recognition to the governments of Prime Minister Savisaar and Prime Minister Godmanis. Once

such governments have been strengthened by Western statements of recognition and economic and technical assistance, de jure recognition of any future governments in all three states would have to await the adoption of Constitutions, the regulation of voting rights, residency rights and citizenship for all those who are not de jure Baltic citizens, and the certification of the re-establishment de facto of the Republics of Estonia, Latvia and Lithuania by the diplomatic representatives of the Baltic states accredited in Washington as well as a vote by the citizens' Congress of Estonia and the citizens' Congress of Latvia. Such a requirement that any present or future government of Estonia and Latvia receive the approval of the citizens' Congresses before de jure recognition would be accorded will strengthen those representative bodies during the transition period and provide them with the needed leverage to insist that the Savisaar and Godmanis governments remain faithful to the democratic ideals expressed in the Latvian and Estonian Constitutions.

It is important to note that there is ample historic precedent for a statement of de facto recognition during a period of Baltic political transition. In 1918 and 1919, shortly after the Baltic states declared independence from Russia, Western states accorded the Baltic governments de facto recognition in order to politically support the Balts in their effort to defeat invading German and Bolshevik armies. Thus, on September 26, 1919, Foreign Minister Holsti of Finland stated in a letter to Latvian Foreign Minister Meierovics that:

"The President of the Republic, who has always admired and sympathized with Latvia, has asked me to convey to your Excellency that he is happy to recognize the Government of the Republic of Latvia as the government de facto of said country and that he conveys his best wishes for the prosperity of the new state and for the establishment of friendly ties between our two countries."

Similarly, on November 11, 1918, the British Foreign Secretary, Arthur Balfour declared:

"His Majesty's Government have viewed with the deepest sympathy the aspirations of the Lettish people and its desire for liberation from the German yoke. They are glad to reaffirm their readiness to grant provisional recognition to the Lettish National Council as a de facto independent body until such time as the Peace Conference lays the foundation of a new era of freedom and happiness for your people. In the meantime, His Majesty's Government will be glad to receive [Zigfrids Meierovics] as the informal diplomatic representative of the Lettish Provisional Government."

Given the fact that the Baltic states already enjoy internationally recognized statehood and in view of the appeal by all three Baltic governments for a tangible signal of Western diplomatic and political support, de facto recognition of the governments in Tallinn, Riga and Vilnius is the most important policy initiative the West can undertake at this time.

B. Repeal of the National Security Council directive Prohibiting Direct Aid to Soviet Republics

As noted in section 4 of this testimony regarding United States policy towards the Baltic states, direct United States governmental assistance to the Baltic nations and the Soviet republics including Russia, Georgia, Armenia, Ukraine and Moldova, is reportedly being deterred by a National Security Council directive which requires that all such assistance be cleared by the Soviet central Government in Moscow. Presumably

the directive is designed to offer United States support in preventing the collapse of the Soviet Government. The NSC directive should be immediately repealed. The governments of Russia, Ukraine, Georgia and Armenia have been democratically elected and deserve direct United States assistance. Moreover, such governments have already evinced strong support for the draconian political and financial steps needed to restore real order, stability, and respect for democratic values in their respective nations. Indeed, while Mr. Yeltsin, the Baltic governments, Georgian President Gamsakhourdia and Moldavian Prime Minister Mircea Druc have been in the forefront of attempts to dismantle the Communist party's dead hand control of Soviet society, and strengthen free market initiatives, Mr. Gorbachev has:

1. Decreed that the Soviet army begin patrolling the streets of major Soviet allies;

2. Decreed that the Soviet armed forces may justifiably use force to prevent "inter-ethnic" discord; protect the rule of the Soviet Constitution, and defend monuments to Lenin;

3. Acted to end freedom of the press, radio and television;

4. Appointed as interior minister a member of the KGB who under Brezhnev was responsible for the arrest, harassment and deportation of human rights advocates;

5. Decreed that the KGB may seize private business and bank records without a court order;

6. Campaigned to prevent the Russian parliament from passing laws returning farm land to the peasants;

7. Instructed Soviet factory managers to contract directly with one another, then issued them "priority" state orders that had to be filled first;

8. Called for a private market transition plan to be drafted by respected Soviet economists, but then vetoed the plan as too radical;

9. Proposed a free emigration law, then repeatedly acted to prevent its approval by the Soviet legislature;

10. Threatened the republics with a grain embargo if the republics refuse to ratify the so-called Union Treaty;

11. Enforced an embargo of oil, medical products and other resources against the republic of Lithuania, the western Ukraine, Moldavia and Georgia; and

12. Has presided over the massacre of civilians by the Soviet armed forces in Lithuania, Latvia, Georgia, Azerbaijan, Kazakhstan, Tadjikistan and Uzbekistan. (See Helsinki Watch News Release January 14, 1991).

Clearly, any further assistance to the Soviet central Government only increases the power and prestige of those very Soviet governmental organs: the military, the KGB and the central bureaucracy, which are most diametrically opposed to the values which the American republic is founded upon. We can and must support our friends and weaken whenever possible those who oppose democratic values.

C. Raising of the Baltic Crisis at the United Nations

The United States should raise the Baltic crisis in the United States Security Council and at the meeting of the United Nations Commission on Human Rights in Geneva in February - March, 1991. With respect to the Security Council it may be argued that a Soviet veto would prevent the adoption of any draft resolution condemning Soviet aggression against the Baltic states. While such veto power is a reality, a Soviet veto threat has not prevented the United States or other United Nations member states

in the past from debating threats to international peace and security at the Security Council. Thus, the 1968 Soviet invasion of Czechoslovakia was raised at the Security Council by Denmark, France, Britain, and the United States without the slightest doubt that the Soviet Union would block any attempt to adopt a resolution on the Czechoslovakian crisis.

As noted in a debate on August 26, 1968 between United States U.N. Ambassador George Ball, and Soviet U.N. Ambassador Malik, the Security Council is the most appropriate arena for the discussion of questions related to international peace and security in time of crisis and threat to world political stability. Ambassador Ball declared at the time:

> A small independent nation, seeking once again the simple right to assert its own national personality and freedom, has been squashed under the heel of Moscow. This has been done without the knowledge, and against the will of the people. It was planned in secret, at a time when the public air was full of smiles and embraces. It was a gross act of perfidy. It is contrary to every canon of international law. It should be universally and rightly condemned by world opinion, no matter where in the world it occurs.
>
> The ravaging of Czechoslovakia that we have witnessed is, of course, not evidence that, by nature, the people of the Soviet Union are any more aggressive than anyone else. It is irrefutable evidence, however, that the harassed and nervous leaders of the Soviet Union ... fully realize that the brand of communism they insist on maintaining in their own territories is incapable of surviving in an atmosphere where there is even the most rudimentary of fundamental human freedoms. It is further evidence, reinforcing that which the world witnessed in the Posnan riots, in the Hungarian rebellion in 1956 and in the obscene reality of the Berlin Wall, that the communist system is, in short, a fungus that will die once it is exposed to the sunlight of freedom. And they know it. It can live only in the dark, only in the dark of ignorance and repression.
>
> This is a sad conclusion - sad for all of us, sad in its implications for the future. As far as my country and people are concerned, this tragedy is particularly grievous not only in itself but for the shadow it casts on the future of world peace.

My government has made clear in many ways, here in the United Nations and elsewhere in recent years and months, its earnest desire that great-Power tension should diminish, that the arms race should be brought under control, and that the foundations of peace in the world should be more firmly established. How severe a blow to these hopes has been dealt in the past twenty-four hours it is too early yet to tell. But much may depend on developments in the immediate future. President Johnson has already spoken for the United States in calling publicly on the Soviet Union and its associates in these events "to withdraw their troops from Czechoslovakia," and he added what must surely be in all our minds at this moment: "It is never too late for reason to prevail."

Therefore, the United States strongly appeals for immediate action by the Council, which, under the Charter, is the body primarily responsible for the maintenance of international peace and security. It is also as a matter of reality, a principal instrument by which world public opinion can be given expression in moments such as these, moments of danger and crisis. In both capacities, we who sit on this Council have a responsibility to act and act quickly. The invasion of Czechoslovakia casts a shadow across the world. It says to every small nation which has a big communist neighbor: When might alone makes right, you too may be in danger.

[emphasis added]

In so far as the Human Rights Commission is concerned, Baltic Appeal to the United Nations ("BATUN") urges the United States Government to support the appointment of a special rapporteur to investigate the U.S.S.R.'s massive violation of the human rights of the Baltic peoples, including the right to national self-determination and the forcible conscription of Baltic men into the Red Army. BATUN also urges the United States to work toward the adoption of a resolution by the Commission. Such a resolution might request the Secretary General to use his good offices to mediate between the Soviet Government and the Baltic states. BATUN urges the United States to pursue a resolution that would strongly support the legal rights of the Baltic peoples, would condemn the Soviet Union for the use of

violence in the Baltic states, and would urge the Soviet Government to enter into good faith negotiations with the Baltic governments as the legitimate representatives of the Baltic peoples.

It is important to note that the Commission may make a decision by simple majority, therefore, the Soviet Union cannot by itself prevent the adoption of such a resolution. I would certainly hope that the Administration would evince the same degree of political will on this issue as it has exhibited in recent years in its efforts to obtain passage of a resolution in the Commission condemning Cuban human rights violations and obtaining support for investigations into human rights abuses in Poland and Iran.

I also would like to add that the Presidents of the three Baltic states, the Congress of Estonia, the parliaments of the three Baltic states, and the President of the Russian Republic have all expressed their desire that the member states of the United Nations raise the case of Soviet aggression in the Baltic states at all appropriate United Nations forums. I have included the text of the Baltic-Russian appeal in the section of this testimony devoted to an analysis of international reaction to the Soviet actions in the Baltic states.

D. Financial and Technical Assistance

I would urge as a final immediate policy initiative, the appropriation of financial and technical assistance to the Baltic states by Congress with the proviso that such assistance be

granted only after direct, bilateral agreements are signed between the United States Government the Baltic governments in Tallinn Riga and Vilnius, and the Baltic diplomatic representatives in the United States. Such assistance might include funds to: (1) provide for medical supplies and machinery; (2) reequip the Lithuanian Radio and Television Center destroyed by Soviet paratroopers; (3) establish United States cultural and library facilities in the Baltic capitals; (4) provide for the construction of a pipeline for the transport of petroleum products from the port in Klaipeda to the Lithuanian refinery at Mazeikiai; and (5) establish a private agricultural and business initiatives development bank for the Baltic states. Such a bank, jointly developed and capitalized with the assistance of Britain, France, Germany, Denmark, Sweden, Norway and Iceland, might conceivably be modelled after the European Bank for Reconstruction and Development. Upon the successful conclusion of Baltic-Soviet negotiations on the question of Baltic independence, such bank's activities could be incorporated into the EBRD.

CONCLUSION

The President and other officials of the United States Government have recently proclaimed Europe "whole and free" and the Cold War at an end. Sadly, such is not the case. Europe's geographical, historical and cultural border stands not at Brest-Litovsk, on the Polish-Soviet frontier, but on the summits of the Urals. Indeed, the strict geographic center of Europe can be

found not near Berlin or Vienna, but 20 miles from Vilnius, Lithuania.

For the peoples of the Baltic states, Karelia, western Ukraine, and Moldavia, the Second World War has not come to an end. The promises of the Atlantic Charter, a binding treaty commitment of the Soviet, British and American Governments have not been fulfilled. Self-determination and sovereignty have not been restored to those peoples from whom they had been forcibly wrenched. The Soviet Union's territorial gains pursuant to the terms of the Stalin-Hitler Pact are still a reality. For the peoples of the Baltic states, Moldavia, Russia, Byelorussia, Ukraine, Armenia, Azerbaijan and Georgia, freedom and human rights is still a yet unattained goal.

Influential members of the United States Government may justify their lack of support for Baltic independence; their deaf ear to the appeals of the human rights group Geneva '49 or the Georgian or Moldavian parliaments; and their refusal to recognize and openly support the aspirations of the Russian people who elected Boris Yeltsin, by insisting that only Gorbachev and his regime can deliver and provide for the ratification of a strategic arms agreement and a conventional forces accord. But there are dangers in such a myopic approach to diplomacy.

Nations such as the U.S.S.R. do not arm themselves because they are democracies - they arm themselves because they are unstable tyrannies founded upon forcible occupation of neighboring states and a forcible suppression of internal dissent and political freedom. To a large extent, weapons and arms are

the symptoms of the virus of tyranny. In fact, world peace and security may be arguably much more successfully enhanced by a deliberate diplomatic, political and economic attempt to strengthen those democratic forces within armed totalitarian states who possess popular support. The virtues and rewards of such a deliberate, consistent and public international policy designed to strengthen the civil opposition to totalitarian rule can be seen most concretely in Poland, where the Solidarity movement and its allies were openly funded and supported by the West for eight years until the ultimate success of Polish democrats in the round-table discussion of March, 1989.

Unfortunately, the historical precedents in which world peace and security have been threatened as a result of the failure of Western democracies to openly advocate and support those who believed in democratic and human rights values are legion - the collapse of Iran after years of support for the Shah; the collapse of Phillippine democracy and guerilla war after years of seemingly blind support for Ferdinand Marcos; and the military victory of the Sandinistas in 1979 after decades of political support for the Somoza dynasty.

In this testimony I have charged that United States policy with respect to the Baltic states amounts to appeasement of the Gorbachev regime. One can only speculate as to whether such appeasement is designed to achieve an important United States foreign policy objective in some other sphere of geo-political or strategic relations. I do know, however, that the lessons of history are clear and that the so-called pragmatic approach to

foreign policy, frequently founded upon a blatant disinterest in the precepts of international law, is a slippery slope which often leads our nation into ruinous circumstances. The failure to openly support democratic values and those who cherish such values does have a price.

President Vytautas Landsbergis has on more than one occassion justifiably compared the Soviet campaign against the Baltic states and the Soviet republics of Georgia and Moldavia, to the German campaign against Czechoslovakia in 1938. The vicious German propaganda campaign of the time against the Czechoslovakian Government, the allegations by Hitler regarding the oppression of Sudeten-German minority rights, the infiltration of Nazi provocateurs, the appeals for fraternal German assistance from local Sudeten-German protection committees all have their eerie parallels in the events of 1990-1991 in Estonia, Latvia and Lithuania.

In 1938, the failure of the West to support the government of President Benes, and its single-minded pursuit of peace at any price led not only to the dismemberment of the Czech state, but to the defeat of the German anti-Nazi democratic opposition in the German-Wehrmacht which had hoped in vain for a strong Anglo-French stand against Hitler so as to provide the opportunity for a putsch to remove him from power.

In his radio broadcast to the Czechoslovak nation on September 21, 1938, President Benes described the Anglo-French ultimatum to the Czechoslovak Government in which London and Paris had demanded Benes' acceptance of a diplomatic formula

under which the country's most important defense intallations and the entire Sudeten region would be ceded to Germany. Benes noted Germany's threat to go to war if the plan was not accepted and declared to his people: "We had no other choice, because we were left alone."

Mr. Chairman and members of the Commission, I urge you and your Congressional colleagues to continue your steadfast and vitally important support for the human rights of the peoples of Europe as recognized by the Charter of Paris and the Helsinki Final Act. We can and must not permit the Baltic peoples to be forsaken. Our national security, and world peace and stability, will be most safely guaranteed not by strategic missile reduction agreements, but by the attainment of human rights and democracy by the peoples of the Baltic states, Leningrad, Kiev, Kishniev, Yerevan, Baku and Tbilisi.

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